

10 August 2026

SLR Ref No.: 620.041996 L01-v1.0 Response to SARA IR Traffic Matters 20260810.docx

Attention: Anne Zareh
Oreana Project Management Pty Ltd C/- Brazier Motti
595 Flinders Street
Townsville QLD 4810

SLR Project No.: 620.041996.00005

**RE: North Shore Central
SARA Information Request – Response to Traffic Matters**

1.0 Context

Reference is made to the Information Request (IR) issued by the State Assessment and Referral Agency (SARA) on 14 July 2026 (SARA Reference: 2606-52913 SRA) (SARA IR) in relation to a Development Application (DA) for a Shopping Centre development (the development) at 13 Market Street, Burdell, within the 'Town Centre' of the North Shore master planned community (North Shore). A copy of the SARA IR is included in Attachment A.

The traffic matters raised in the subject IR are reproduced in Section 2.0 below followed by a formal response to each matter.

2.0 Item 1a – Consistency with Original Approvals and Potential Impact on State Transport Network

"The Traffic Impact Assessment (TIA) prepared by SLR, dated 27 February 2026, ref 620.041996.00002 and rev. 01, does not include a complete copy or comparison of the original approvals. As a result, SARA is unable to confirm whether the proposed development is consistent with the original approvals and will not adversely impact the state transport network.

Further information is therefore required to demonstrate that the proposed development does not exceed the yields specified in the original plan of development and infrastructure agreement.

If the proposed development exceeds the approved yields, the following key issues must be addressed.

- *Traffic distribution assumptions: The assumption that only 15% of external trips will approach from the south (via the Bruce Highway) is considered unrealistic and lacks detailed justification. Further clarification and justification of the external traffic distribution methodology is required.*
- *Saturday peak period assessment: A Saturday peak period assessment given the use is a Shopping centre.*
- *Impacts on the state transport network: An assessment of the impacts on the state transport network. Of particular concern is North Townsville Road (Woolcock Street) and the North Townsville Road/North Shore Boulevard intersection, which already experience capacity and safety issues.*

Response requested

Please provide the following:

- **Consistency with original approvals:**
 - **Provide a complete copy of the original approvals and verify that the proposed development is consistent with the original plan of development and infrastructure agreement, including allowable yields and conditions of approvals.**
 - **Demonstrate that the proposed development does not exceed the land use allocation or traffic thresholds established in the original approvals.**

Alternatively, if the proposed development is inconsistent with the original approvals, submit an amended TIA that:

- **Traffic distribution assumptions:**
 - **Provides detailed justification for the external traffic distribution assumptions, particularly the 15% trip distribution via the Bruce Highway (North Townsville Road).**
 - **Clarifies the methodology and data sources used to determine the external traffic distribution proportions.**
- **Saturday peak period assessment:**
 - **Includes a Saturday peak analysis to account for the expected traffic generation during weekend peak periods**
- **Impacts on the state transport network:**
 - **Includes a broader traffic impact assessment, including key intersections on the state transport network (e.g. North Townsville Road/North Shore Boulevard, Bruce Highway/Ingham Road intersection and all other relevant road upgrades as identified in the infrastructure agreement.**
 - **Provides a SIDRA analysis for the year of opening and a 10-year design horizon, including staging (if applicable).**
 - **Demonstrates how the proposed development avoids, minimises, or mitigates impacts on the state transport network, particularly at the North Townsville Road/North Shore Boulevard intersection, Bruce Highway/Ingham Road intersection and all other relevant road upgrades as identified in the infrastructure agreement.**
 - **Identifies any required mitigation measures or upgrades, including concept designs, swept paths, and land dedication (if applicable)."**

3.0 SLR Response

To inform SARA's assessment of the application, the following clarifications are provided:

- A copy of the Council decision notice for the Preliminary Approval (Council references: R360; R361) dated 25 January 2008, including referral responses from the Department of Main Roads (now **DTMR**) dated 26 November 2007 (**Referral Responses**), is provided at **Attachment B**.
- Conditions 2 and 3 of the Referral Responses required upgrading works at the intersections of Bruce Highway (now Woolcock Street/North Townsville Road) with Burdell Road (now North Shore Boulevard) and Shaw Road and also reference an Infrastructure Agreement (**IA**) between DTMR and the applicant, a copy of which is



provided at **Attachment C**. It is understood that the conditioned state-controlled intersection upgrades were completed in around 2009.

- Of note, *Schedule 4* (Road Transport Infrastructure Contributions) of the IA sets out the following:
 - The land uses and yields contemplated by the IA (Table 4.1),
 - The contributions payable by the Applicant to DTMR based on lots or floor area (Table 4.2);
 - The network improvements to be completed by DTMR (Table 4.3).
- The following of relevance is reiterated from the *Traffic Impact Assessment* prepared by SLR dated 27 February 2026 (**SLR TIA**):
 - A total of 40,000sq.m GFA of retail or 'shopping centre' land uses (i.e. sum of 'Department Stores', 'Supermarkets' and 'Specialty Retail and Mini Majors') is contemplated by the IA for the 'commercial planning area' (refer to Table 4.1 of the IA);
 - It is understood the existing Stockland North Shore development consists of approximately 5,815sq.m of shopping centre GFA;
 - Based on the proposed development yield (i.e. 17,954sq.m GFA) and the Stockland North Shore yield, the cumulative total of retail GFA (i.e. 23,769sq.m GFA) is well within that contemplated for the IA (i.e. the development is well within that previously contemplated by the traffic modelling which informed the IA);
 - The proposed development is consistent with the IA, and it will continue to pay contributions to DTMR for state-controlled road network upgrades in accordance with the IA. On this basis, no further consideration of the development's traffic impacts on the state-controlled road network is warranted.
- In the context of the above information, further assessment, including provision of an amended TIA, is not required.

We trust that this now provides all of the information required for SARA to finalise their assessment of the DA. Should you have any queries in relation to this response, please do not hesitate to contact the undersigned.

Yours sincerely



Chris Lawlor

Principal – Transport Advisory
RPEQ No. 24052

Attachments	A	SARA IR
	B	Preliminary Approval
	C	Infrastructure Agreement



Attachment A

SARA IR

SARA reference: 2606-52913 SRA
Applicant reference: 25544-190-1
Council reference: MCU26/0040

14 July 2026

ODG North Shore T1 Pty Ltd
c/- Brazier Motti
Anne.Zareh@braziermotti.com.au

Attention: Ms Anne Zareh

Dear Ms Zareh

SARA information request – Material change of use for a Shopping centre at 13 Market Street, Burdell

(Notice issued under section 12 of the Development Assessment Rules)

The State Assessment and Referral Agency (SARA) has undertaken a preliminary review of the material provided in support of the above referenced application which was deemed properly referred on 23 June 2026.

From this review, SARA has identified a range of matters relating to State code 6: Protection of state transport networks of the State Development Assessment Provisions.

1. Consistency with original approvals and potential impact on state transport network

The Traffic Impact Assessment (TIA) prepared by SLR, dated 27 February 2026, ref 620.041996.00002 and rev. 01, does not include a complete copy or comparison of the original approvals. As a result, SARA is unable to confirm whether the proposed development is consistent with the original approvals and will not adversely impact the state transport network.

Further information is therefore required to demonstrate that the proposed development does not exceed the yields specified in the original plan of development and infrastructure agreement.

If the proposed development exceeds the approved yields, the following key issues must be addressed.

- **Traffic distribution assumptions:** The assumption that only 15% of external trips will approach from the south (via the Bruce Highway) is considered unrealistic and lacks detailed justification. Further clarification and justification of the external traffic distribution methodology is required.
- **Saturday peak period assessment:** A Saturday peak period assessment given the use is a Shopping centre.
- **Impacts on the state transport network:** An assessment of the impacts on the state transport network. Of particular concern is North Townsville Road (Woolcock Street) and the North Townsville Road/North Shore Boulevard intersection, which already experience capacity and safety issues.

Response requested:

Please provide the following:

- **Consistency with original approvals:**
 - o Provide a complete copy of the original approvals and verify that the proposed development is consistent with the original plan of development and infrastructure agreement, including allowable yields and conditions of approvals.
 - o Demonstrate that the proposed development does not exceed the land use allocation or traffic thresholds established in the original approvals.

Alternatively, if the proposed development is inconsistent with the original approvals, submit an amended TIA that:

- **Traffic distribution assumptions:**
 - o Provides detailed justification for the external traffic distribution assumptions, particularly the 15% trip distribution via the Bruce Highway (North Townsville Road).
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- **Saturday peak period assessment:**
 - o Includes a Saturday peak analysis to account for the expected traffic generation during weekend peak periods.
- **Impacts on the state transport network:**
 - o Includes a broader traffic impact assessment, including key intersections on the state transport network (e.g. North Townsville Road/North Shore Boulevard, Bruce Highway/Ingham Road intersection and all other relevant road upgrades as identified in the infrastructure agreement).
 - o Provides a SIDRA analysis for the year of opening and a 10-year design horizon, including staging (if applicable).
 - o Demonstrates how the proposed development avoids, minimises, or mitigates impacts on the state transport network, particularly at the North Townsville Road/North Shore Boulevard intersection, Bruce Highway/Ingham Road intersection and all other relevant road upgrades as identified in the infrastructure agreement.
 - o Identifies any required mitigation measures or upgrades, including concept designs, swept paths, and land dedication (if applicable).

How to Respond

In accordance with section 13 of the Development Assessment Rules (DA Rules), you have three months to respond to this Information Request. The due date of a response to SARA is **14 October 2026**.

You can choose to respond to all, some, or none of the matters raised in this notice.

If you decide not to respond to the matters raised, SARA will finalise its assessment on the material provided to date in support of the application.

It would be appreciated if you would provide your response to SARA using the 'manage documents' function in [MyDAS2](#).

If you require further information or have any questions about the above, please contact Ms Amanda Hosken on (07) 5644 3216 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Fletcher Smith
Principal Planning Officer, Planning Services (SEQ South)

cc City of Townsville Council, enquiries@townsville.qld.gov.au

Attachment B

Preliminary Approval

YOUR REFERENCE:

PLEASE QUOTE
OUR REFERENCE:

R360;R360/1;R361PDJamm

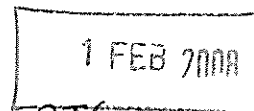


25 January 2008

PLANNING SERVICES DEPARTMENT



Stockland Development Pty Ltd
C/- Brazier Mott
595 Flinders Street
TOWNSVILLE QLD 4810



Attention:

John Pina

SSG
25544-82-3
-92-1

Dear Sir / Madam

DEVELOPMENT APPLICATION DECISION NOTICE DEVELOPMENT PERMIT NO: R360;R360/1;R361 PURSUANT TO SECTION 3.5.15 OF THE INTEGRATED PLANNING ACT 1997

Application Details

Application No:	R360;R360/1;R361
Proposal:	Reconfiguration of a Lot (Preliminary Approval) - Precinct 2 and 3 Reconfiguration of a Lot (Development Permit) - Stage 1 within Precinct 2
Real Property Description:	Lot 1 on RP 835468 and Lot 94 on SP 143119
Property Location:	Off Burdell Road, Burdell
Decision Date:	15 January 2008
Decision:	Approved Subject to Conditions
Decision Type:	Preliminary Approval / Development Permit
Type of Development Work:	Reconfiguration of a Lot
Decision Authority:	Council

A copy of the approved plan/s and conditions are **attached**.

Pursuant to the provisions of the Integrated Planning Act 1997, I also **enclose** herewith a copy of the relevant sections concerning the institution of an appeal. If you are dissatisfied with the decision you may, within 20 business days after the day this decision notice is given, appeal to the Planning and Environment Court.

Should you require anything further please contact Council's Planning Services Department on (07) 4773 8740.

Yours faithfully


GRAEME KENNA
ACTING DIRECTOR PLANNING SERVICES

"Winner - Queensland Customer Service Excellence Award 2006"

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All official correspondence should be addressed to the Chief Executive Officer



SCHEDULE OF CONDITIONS OF APPROVAL FOR THE RECONFIGURATION OF LAND
APPROVED BY COUNCIL ON: 15 January 2008

OWNED BY: Stockland Developments Pty Ltd

APPLICANT: Stockland Developments Pty Ltd

LAND DESCRIBED AS: Lot 1 on RP 835468, Lot 94 on SP173119, off Burdell Road, Burdell

RECONFIGURATION INTO: Six (6) Commercial Planning Area Lots - **Preliminary Approval** (Precinct 2 and 3) as shown on Precinct plan 25544/95H and in accordance with the provisions of the approved Plan of Development No. 1 (R360; R361)

RECONFIGURATION INTO: Two (2) Commercial Planning Area Lots and One (1) part Commercial Planning Area and Residential Planning Area Lot – **Development Approval** as shown on Plan No. 25544/101E and in accordance with the provisions of the approved Plan of Development No. 1 (R360/1)

DATE OF DETERMINATION: 15 January, 2008

COUNCIL FILE: R360 (Precinct 2), R361 (Precinct 3) and R360/1

SCHEDULE OF CONDITIONS – PRELIMINARY APPROVAL (PRECINCT 2 and 3)

PROPOSAL PLAN

1. The Precinct 2 and 3 plan must be carried out generally in accordance with:-
 - (a)
 - (i) the approved Proposal Plan (Precinct 2 and 3) numbered 25544/95H dated 17 August, 2007; and
 - (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council;except where modified by the conditions of approval and any approval issued there under; and
 - (b) any approval issued under this approval; and
 - (c) any development permit for operational works relating to the subsequent applications for Precinct 2 and 3.

INFRASTRUCTURE AGREEMENT

- 2.1 The developer must in respect to subsequent development approvals for Precinct 2 and 3 comply with the "Development Infrastructure Agreement for Waterway Gardens" dated 28 March, 2007.
- 2.2 The developer must in respect to subsequent development approvals for Precinct 2 and 3 comply with the "Public Passenger Transport and Rail Transport Infrastructure Agreement" dated 14 August, 2006.

- 2.2 The developer must in respect to subsequent development approvals for Precinct 2 and 3 comply with the "Public Passenger Transport and Rail Transport Infrastructure Agreement" dated 14 August, 2006.

PRECINCT 2 AND 3 PLAN - LEVEL OF ASSESSMENT AND RELEVANT CODES

- 3.1 The Precinct 2 and 3 plan approved as part of this preliminary approval varies the level of assessment and land-use outcomes where specified in the approved Plan of Development No. 1 issued as part of the consent order on the 29 March, 2007.
- 3.2 The subsequent applications for Precinct 2 and 3 as identified on Plan 25544/95H will be assessed in accordance with the relevant codes identified in the plan of development No. 1 issued as part of the consent order on the 29 March, 2007.

WATER SUPPLY & SEWERAGE

- 4.1 The development must be serviced by reticulated water supply and sewerage systems in accordance with Council's adopted standards.

INTERNAL ROAD NETWORK

- 5.1 The internal road network will be subject to detailed design assessment in terms of the primary function of each type of road that influences driver behaviour, speeds, access, acoustic environment and traffic volumes that are appropriated to that function as part of subsequent development applications for Precinct 2 and 3.

STORMWATER DRAINAGE

- 6.1 All external catchments discharging to the subject site must be accepted and accommodated within the development's stormwater drainage system. The development must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.
- 6.2 The developer must provide a water sensitive urban design report detailing mitigation measures proposed to reduce pollutant loads in the stormwater discharge as part of subsequent operational works applications for Precinct 2 and 3.

50 YEAR ARI FLOOD LEVELS

- 7.1 The minimum floor levels for habitable rooms must be 450mm above the level of a 50 year ARI flood.
- 7.2 All lots created by the reconfiguration (excluding lots required for drainage and environmental purposes) must be constructed to be above the 50 year ARI flood level in accordance with Council's Standards.
- 7.3 The noise amelioration mound adjacent to the Bruce Highway and located over the culverts must be provided with a break to allow the flows greater than a 50 year ARI to surcharge across the culverts, unless otherwise approved by Council.

ELECTRICITY SUPPLY AND STREET LIGHTING

- 8.1 The development must be provided with an underground reticulated electricity supply and overhead street lighting in accordance with Council's adopted standards.

DEPARTMENT OF MAIN ROADS (CONCURRENCE AGENCY)

9. The developer must comply with conditions outlined in the Department of Main Roads (concurrence agency) letters for precinct 2 and precinct 3 dated 26 November, 2007 attached as schedule A to this reconfiguration approval.

DEPARTMENT OF QUEENSLAND TRANSPORT (CONCURRENCE AGENCY)

10. The developer must comply with conditions outlined in the Queensland Transport's (concurrence agency) letter dated 4 December 2007 attached as schedule B to this reconfiguration approval.

DEPARTMENT OF NATURAL RESOURCES (CONCURRENCE AGENCY)

11. The developer must comply with conditions outlined in the Department of Natural Resource's (concurrence agency) letter dated 30 October, 2007 attached as schedule C to this reconfiguration approval.

ROAD CLOSURE

12. Building Work must not commence on the designated area subject to the road closure as shown on Plan 25544/95H until that part of Burdell Road passing through those allotments has been closed. The land subject to the road closure that does not form part of the new arterial road can be amalgamated into the adjoining lots in accordance with the Infrastructure Agreement.

DEFINITIONS

In these conditions the following meanings apply:-

AGD84	Australian Geodetic Datum 1984
AHD	Australian Height Datum
AMG	Australian Map Grid
ARI	Average Recurrence Interval
AS	Australian Standard
COT	Council of the City of Thuringowa
Council	Council of the City of Thuringowa
DXF	Autodesk ® Drawing Interchange Format for computer systems
Ergon	Ergon Energy
Planning Scheme	Thuringowa City Council Planning Scheme

Advisory Note: Please note that as part of future development applications lodged for Precinct 2 and 3 further master planning will be requested by Council to ensure the overall commercial development is developed in a logical and sequenced manner in terms of connectivity and the mix and location of commercial and residential uses including the built form and relationship with the adjoining open space dedication.

**SCHEDULE OF CONDITIONS – DEVELOPMENT PERMIT - THREE (3) LOT
RECONFIGURATION (R360/1)**

PROPOSAL PLAN

1.1 The reconfiguration of the land must be carried out generally in accordance with:-

- (a)
 - (i) the approved Proposal Plan No. 25544/101E and dated 17 August, 2007;
 - (iii) the plans, specifications, facts and circumstances as set out in the application submitted to Council;
 - (iv) the approved Plan of Development issued as part of the consent order on the 29 March, 2007 and the approved Precinct 1 Plan; and
 - (v) the Infrastructure Agreement entered into between Thuringowa City Council and Stockland Developments and the Infrastructure Agreements between Stockland Developments and Queensland Rail / Queensland Transport.

except where modified by the conditions of approval and any approval issued there under; and

- (b) any approval issued under this approval; and
 - (d) any development permit for operational works relating to the subdivision.
- a. The area of land shown as North Coast Railway (hatched in blue) on Proposal Plan No. 25544/77D must be surrendered and included as part of the new arterial road reserve prior to the sealing of the plan of survey for this reconfiguration approval in accordance with the Infrastructure Agreement.

TIME FOR COMPLIANCE

2. Unless otherwise specified by these conditions, the conditions must be complied with prior to approval of the Plan of Survey.

PUBLIC UTILITY SERVICES

3. If any existing public utility service including telephone, electricity, water, sewerage or gas needs to be altered or relocated to complete the subdivision the developer must bear the cost of alteration or relocation.

OPERATIONAL WORKS

4.1 Where operational works are required to be carried out for the reconfiguration, the developer must, within a period of two years from the date of this permit and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-

- (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is a current Registered Professional Engineer Queensland; and

- (b) a certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice namely:-

(i) Drawings	COT Aus-spec Handbook - 'Preparation of Engineering Drawings & Specifications'
(ii) Road Pavement	COT Aus-spec 1 Development Design Specification No. D2 - 'Pavement Design'
(iii) Stormwater Discharge & Drainage	COT Aus-spec 1 Development Design Specification No. D5 – 'Stormwater Drainage Design'
(iv) Bridge Structures	AUSTROADS 'Bridge Design Code'
(v) Street Lighting	Australian Standard AS 1158
(vi) Water	WSAA Water Supply Code of Australia (WSA03-2002) and Council Addendum WSA03-2002.01
(vii) Sewer	WSAA Sewerage Code of Australia (WSA02-2002) and Council Addendum WSA02-2002.01.

- (c) a letter from the Electricity Service Provider stating that electricity can be readily supplied to the development.

4.2 No work must be commenced prior to issue of a development permit for operational works.

BUILDING AND ACCESS ENVELOPE PLAN

5.1 A building and access envelope plan for the proposed lots must be prepared, recognising all constraints (including underground services, corner sight distances, street furniture) and showing:-

- (a) building setbacks;
- (b) noise amenity;
- (c) the area of the footpath that can be used for vehicle access to the property;
- (d) the incorporation of footnotes in the building envelope plan that provides advice on the construction of a climatically responsive dwelling in relation to site specific characteristics of the lot including –
 - (i) a building orientation that minimises the length of external wall areas that are exposed to solar radiation;
 - (ii) an internal layout ensuring that living areas are protected from summer solar radiation (i.e. living areas orientated north to north east and service areas are oriented to the west and south);
 - (iii) building projections are used to minimise summer solar radiation to external walls (i.e. carports, large overhangs, external screens are incorporated that fully shade western and south-west facing external walls from solar radiation);
 - (iv) a building layout that maximises the capture of prevailing breezes (living area windows and doors are oriented to the north east, room layouts and internal access ways are designed to maximise cross ventilation). The building

envelope plan must show the direction of prevailing breezes and the positioning of the sun in relation to the morning and afternoon as part of an orientation diagram; and

- (v) the provision of fencing that allows breezes to pass through the barrier to ensure air flow is not restricted throughout the subdivision.

Note: Condition 5.1(c)(i-iv) has been included to ensure building designers and buyers consider the fundamental principles of constructing a dwelling that is climatically responsive to the tropical climate. The inclusion of these advice notes in the Building Envelope and Access Plan will allow the building designer / buyer to consider these principles prior to the lodgement of the building application for the dwelling house.

- 5.2 A preliminary plan must be submitted with the application for operational works and approved by Council prior to the issue of a development permit for those works.
- 5.4 A final plan must be submitted to and approved by Council prior to the approval of the Plan of Survey when all "as constructed" details are known including the required setbacks from sewers in accordance with Council's Policy.

PARKLAND AND OPEN SPACE

- 6.1 The developer must make an infrastructure contribution for public parks in accordance with section 9 (contribution for public parks infrastructure) of the Infrastructure agreement comprising the provision of both land and works for this stage of the reconfiguration.
- 6.2 The developer must submit an overall Public Park Hierarchy Plan for Council's approval in accordance with clause 9.2 (b) of the Infrastructure Agreement by the 3rd January, 2008.
- 6.3 As part of the embellishments for this reconfiguration stage the developer must lodge detailed parkland and landscape plans detailing park furniture proposed, pathways and surface treatment, streetscape works, entry statements (if applicable) irrigation and plant species details for Council's approval. The detailed plans should be lodged with the Operational Works application.
- 6.4 The plan of survey for this reconfiguration stage will not be released until the parkland and open space plan detailed on condition 6.3 is approved by Council and the works required for the stage must be completed within three (3) months from the release of the plan of survey or as varied and approved by Council.

ROADWORKS

- 7.1 The developer must construct all the roads in the subdivision and all the intersections to existing streets to a gravel paved asphaltic concrete surfaced standard for a 95% reliability for a 20 year design life, together with concrete kerb and channelling to each side of the street.
- 7.2 Footpaths must be topsoiled, evenly graded and grassed to the satisfaction of Council.
- 7.3 The road cross section elements are to be submitted to and approved by Council before the lodgement of the Operational Works application.

DRAINAGE

- 8.1 The developer must construct:-

- (a) underground stormwater drains sufficient to collect and carry to the Bohle River via Saunders Creek or directly to the Bohle River, all stormwater falling on and flowing onto the land, from a storm having an ARI of 2 years;
 - (b) any open drains or surcharge paths necessary to convey to the point of lawful discharge, runoff from a storm having an ARI of 50 years and in excess of the capacity of the roadside and underground drainage; and
 - (c) such work as is necessary to ensure that there is no concentration of, or increase in levels or velocities of stormwater discharged to lands owned by others.
- 8.2 The stormwater must be conveyed to and discharged at the point of lawful discharge being the Bohle River.
- 8.3 Drainage easements and reserves must have a minimum width of 4 metres unless otherwise approved by Council. Where a drain or surcharge path is constructed, the width must be increased to cover the width of the construction plus 1 metre of level ground above the batters on both sides in the case of easements, and 5 metres both sides in the case of drainage reserves.
- 8.4 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.
- 8.5 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

Advisory Note:

When the application is made for the Commercial Premises located south of the Community Recreation Centre Council's stormwater width flow criteria for roads will be the same however it must cater for a storm event with a 5 year ARI.

FILLING AND GRADING

- 9.1 Before the lodgement of any Operational Works application, the developer must have approved by Council a revised detailed 2D Dynamic Flood Study of Saunders Creek and the Bohle River to determine the pre and post development levels of the floodwaters having a 50 year ARI. This flood study must include any mitigation options to ensure there is no increase in the existing water levels and water velocities upstream, adjacent to and downstream of the subject land. This will enable Council to determine the minimum fill levels and the minimum floor levels for habitable rooms in dwellings erected on the land.
- 9.2 The developer must also prepare a flood study to determine the levels of floods for the roads having a 50 year ARI to enable Council to determine the minimum fill levels and the minimum floor levels for habitable rooms in dwellings erected on the land. The study must be submitted with an application for operational works.
- 9.3 The proposed lots must be filled and compacted with approved material to a minimum level equal to the level of a 50 year ARI flood and must be evenly graded to the road frontage or an approved inter-lot drainage system at not less than 0.5% to ensure that the land is free draining.

- 9.4 If the level of fill along an adjoining property boundary exceeds 100mm a retaining wall with at least a 50mm parapet above the fill level must be constructed to the requirements of Council.
- 9.5 The minimum floor levels for habitable rooms must be the higher of 450mm above the level of a 50 year ARI flood.
- 9.6 All required mitigation works and earthworks must be completed prior to the release of the plan of survey and in accordance with the revised approved flood study as stated in Condition 9.1.

ELECTRICITY SUPPLY AND STREET LIGHTING

- 10.1 The developer must prior to approval of the Plan of Survey submit a certificate from Ergon Energy (or other suitable entity) stating that satisfactory arrangements have been made with it for the provision of an underground electricity supply and street lighting to the subdivision and must provide at the developer's cost:-
 - (a) a reticulated underground electricity supply to each part of the subdivision in accordance with the requirements of the Electricity Service Provider; and
 - (b) overhead street lighting in accordance with AS1158 and the requirements of Ergon Energy (or other suitable entity).
- 10.2 The developer must install ducting to the satisfaction of the Electricity and Telecommunications Service Providers prior to the approval of the Plan of Survey.
- 10.3 The lighting category to be applied to the lighting technical parameter requirements AS 1158:
 - (a) Category V5 for the new 38.0 metre wide road reserve;
 - (b) Category V5 for the new 32.0 metre wide road reserve; and
 - (c) Category V5 for the new 25.0 metre wide road reserve.

WATER SUPPLY WORKS INTERNAL

- 11.1 The developer must provide a reticulated water supply, including service connection points, to each lot, from the point of connection to each lot in the subdivision. The water supply must be constructed in accordance with the standard design plans of Council and must meet both the maximum design flow and emergency fireflow conditions.
- 11.2 The point of connection for the supply of water from Council's water supply system is the existing reticulation water main in Bruce Highway.
- 11.3 A network analysis of the proposed subdivision must be submitted to and approved by Council to ensure that the reticulation network satisfies both the maximum hour design flow conditions and emergency fire flow conditions. It must be submitted with the application for operational works.

SEWERAGE RETICULATION INTERNAL

- 12.1 The developer must provide a reticulated sewerage service, including service connection points inside each lot and any necessary pump stations and rising mains, from the point of

connection to each lot in the subdivision. The sewerage service must be constructed in accordance with the standard design plans of Council.

- 12.2 The point of connection for the sewerage service to Council's sewerage system shall be the nearest existing sewer manhole for reticulation purposes or as agreed with Council.
- 12.3 Any proposed pump station site must be located on freehold land that is above the 1:50 year flood level.

WATER SUPPLY AND SEWERAGE HEADWORKS

- 13.1 The developer must contribute in accordance with Council's Planning Scheme Policy and the Infrastructure Agreement between Council and Stockland, towards the provision of water supply and sewerage headworks. The contribution must be paid at the rate current at the time of payment. The current amount of estimated total headworks contributions for the reconfiguration are \$10,375,32 for water headworks and \$16,388.07 for sewerage headworks based on three (3) additional lots except where the contribution is varied by condition 13.2.
- 13.2 The requirements for water and sewerage headworks contributions in terms of specification, timing, construction, credits and maintenance must be in accordance with section 6 and 7 of the Infrastructure Agreement.

TRANSPORT AND STORMWATER CONTRIBUTIONS

- 14.1 The developer in accordance with the Infrastructure Agreement between Council and Stockland must construct all required stormwater infrastructure at the developer's own cost prior to the sealing of the plan of survey for this reconfiguration stage.
- 14.2 The developer in accordance with the Infrastructure Agreement between Council and Stockland must construct all required road infrastructure, including Public Transport, at the developer's own cost prior to the sealing of the plan of survey for this reconfiguration stage.

STREET NAMEPLATES AND SIGNS

- 15.1 Street nameplates must be erected at each road intersection, indicating the name of each street and the street numbers. The signs must be erected in accordance with the MUTCD (Manual of Uniform Traffic Control Devices) and designed to Council's standard Drawings.
- 15.2 The proposed name of any new street shall be submitted to Council for its approval prior to submission of the Engineering Drawings.
- 15.3 Standard traffic regulatory and advisory signs must be shown on the engineering drawings and must be erected in accordance with the approved drawings and specifications.

BIKEWAYS

- 16.1 The developer must contribute in accordance with Council's Planning Scheme Policy and the Infrastructure Agreement between Council and Stockland, towards the provision of bikeways. The current contribution is \$966.00 based on three (3) additional lots which must be paid at the rate current at the time of payment except where the contribution is varied by condition 16.2.
- 16.2 The developer must construct in accordance with the Infrastructure Agreement between Council and Stockland cycle and pedestrian paths. The cycle and pedestrian paths along

the road network must be constructed at the developer's own cost as per the typical road cross sections shown in Schedule 4 of the Infrastructure Agreement between Council and Stockland as will be assessed by Council in terms of bikeway credits.

- 16.3 The cycle / pedestrian works required for the this reconfiguration stage in accordance with the cycle / pedestrian plan or public transport plan must be completed within three (3) months from the release of the plan of survey or as varied and approved by Council.

EASEMENTS AND RESERVES

- 17.1 The developer must at its cost grant and cause to be registered on the title documents all easements or reserves over all underground drains, constructed drainage works and improved drains which are placed under the control of Council.
- 17.2 The developer must at its cost grant and cause to be registered on the title documents, all easements or reserves required by Council or other public utility entity for access to or for the provision of essential services.
- 17.3 The developer must at its cost cause to be registered surrenders of any existing easements and/or leases where necessary in connection with the subdivision.
- 17.4 The extent and location of easements, reserves and surrenders required in (17.1) to (17.3) will, as far as possible, be determined prior to issue of the development permit for operational works or upon completion of works if subsequently found necessary.

PERMANENT SURVEY MARKS

- 18.1 One permanent survey mark must be installed at intervals no greater than 30 lots in accordance with the *Surveyor's Act*, with a minimum of one survey mark for each reconfiguration of 5 lots or more.
- 18.2 Council is to be provided with a copy of the relevant Permanent Mark Sketch Plans and Data Sheets, suitably completed for both Vertical and Horizontal Control Data.

DEPARTMENT OF MAIN ROADS (CONCURRENCE AGENCY)

19. The developer must comply with conditions outlined in the Department of Main Roads (concurrence agency) letter dated 26 November, 2007 for this stage of reconfiguration attached as schedule D to this approval.

DEPARTMENT OF NATURAL RESOURCES (CONCURRENCE AGENCY)

20. The developer must comply with conditions outlined in the Department of Natural Resources (concurrence agency) letter dated 30 October, 2007 attached as schedule E to this approval.

DEPARTMENT OF QUEENSLAND TRANSPORT (CONCURRENCE AGENCY)

21. The developer must comply with conditions outlined in the Queensland Transport (concurrence agency) letter dated 4 December, 2007 attached as schedule F to this approval.

NOISE AMELIORATION

22. The noise mounds to be constructed along the southern boundary of Precinct 2 and 3 must be carried out generally in accordance with Figure 7 of the Max Winders & Associates Noise Report dated 8 August, 2007 prior to the sealing of the plan of survey for this reconfiguration.

DEFINITIONS

In these conditions the following meanings apply:-

MGA94	Map Grid of Australia 1994
AHD	Australian Height Datum
AMG	Australian Map Grid
ARI	Average Recurrence Interval
AS	Australian Standard
COT	Council of the City of Thuringowa
Council	Council of the City of Thuringowa
DXF	Autodesk ® Drawing Interchange Format for computer systems
Ergon	Ergon Energy
Planning Scheme	Thuringowa City Council Planning Scheme

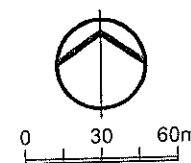
ADVICE (Note: This is not a condition)

This approval will lapse if the Plan of Survey has not been lodged in accordance with the requirements of Council within a period of four years from the day this permit takes effect.

Private Certifiers should not issue the developer with a certificate of occupancy, certificate of completion or certificate of currency without first receiving written acknowledgement from Main Roads confirming the developer has complied with their concurrence agency conditions attached to this approval.

NOTE: Copies of Council's policies may be purchased from Council or viewed free of charge at its office

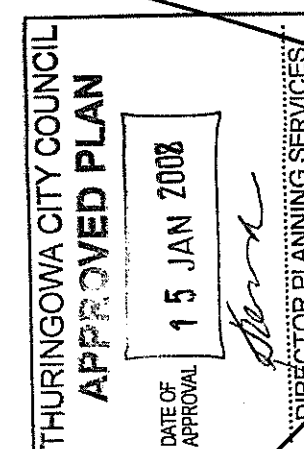
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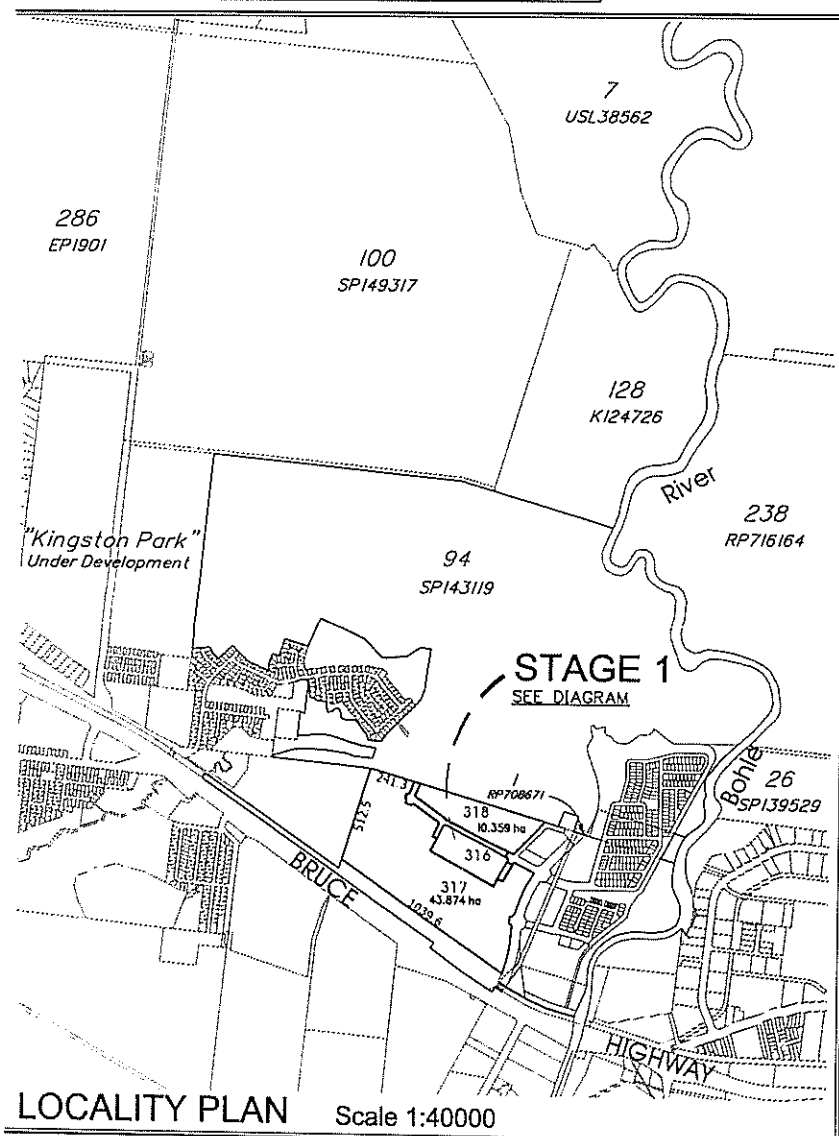
PROPOSED RECONFIGURATION

Lots 316 - 318,
Cancelling Proposed Lot 303 on BM plan 25544/77C
(Lot 1 on RP835468)

Parish of Bohle
County of Elphinstone
City of Thuringowa



Precinct 2 - Stage 1		
Total Area of Stage		9.284 ha
Total No. of Lots		3
No. of Balance Lots		2
No. of Thuringowa C.C. Lots		0
No. of Residential Lots		0
No. of Non-Residential Lots		3
Total of Residential Area		N/A
Average Lot Area		N/A
New Road	- 25.0m Wide	505m
	- 32.0m Wide	230m
	- 38.0m Wide	200m



Proposed 302
BM plan 25544/77C

DIAGRAM

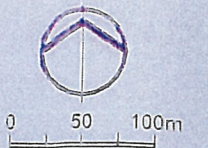
This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

Precincts 2 and 3

LEGEND

- Core 16.95 ha
- Frame A 9.75 ha
- Frame B 11.70 ha
- Frame C 9.14 ha
- Precinct 2
- Precinct 3
- Commercial Planning Area - Neighbourhood Centre Sub Area
- Commercial Planning Area - Mixed Use Sub Area
- Residential Planning Area
- Subject to separate Road Closure Application
- New Road

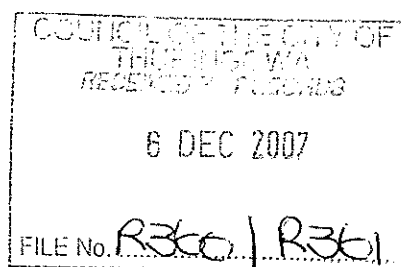
2
RP724328



INTENDED LAND USES				
Core	Frame A	Frame B	Frame C	
Carpark	Bulk Store	Accommodation Building	Accommodation Building	
Car Washing Station	Carpark	Bulk Store	Child Care Centre	
Catering Shop	Car Washing Station	Child Care Centre	Club House	
Child Care Centre	Catering Shop	Club House	Community Dwelling	
Commercial Premises	Child Care Centre	Community Dwelling	Community Recreation Centre	
Estate Sales Office	Club House	Community Recreation Centre	Dwelling House	
Family Day Care Centre	Commercial Premises	Dwelling House	Display Home	
Hotel	Estate Sales Office	Duplex Dwelling	Educational Establishment	
Indoor Entertainment	Family Day Care Centre	Educational Establishment	Garden Centre	
Licensed Club House	Garden Centre	Garden Centre	Hospital or Institution	
Passenger Terminal	Hardware Store	Hospital or Institution	Hotel	
Restaurant	Hotel	Hotel	Indoor Entertainment	
Retail Plant Nursery	Indoor Entertainment	Licensed Club House	Motel	
Service Station	Licensed Club House	Motel	Multiple Dwelling	
Shop	Market Stall	Multiple Dwelling	Passenger Terminal	
Shopping Centre	Motel	Passenger Terminal	Professional Office	
Showroom	Passenger Terminal	Professional Office	Place of Public Worship	
Special Use	Place of Public Worship	Retirement Village	Service Industry	
	Service Industry	Service Station	Service Station	
	Showroom	Veterinary Clinic	Veterinary Hospital	
	Veterinary Clinic	Veterinary Hospital		
	Veterinary Hospital			

4 December 2007

Thuringowa City Council
PO Box 86
THURINGOWA QLD 4817



Queensland
Government

Queensland Transport

Dear Mr Paul Johnston

PIN + Orig

Concurrence Agency Response—Integrated Planning Act 1997 (IPA) s3.3.16

Application for: Preliminary Approval under section 3.1.5 of the Integrated Planning Act for the reconfiguration of a lot (Precinct's 2 and 3 of the approved plan of development); and
Development Permit under section 3.1.5 of the Integrated Planning Act for the reconfiguration of a lot (stages 1 within Precinct 2 of the approved development plan)
Off Burdell Road, Burdell
Lot 1 on RP835468 and Lot 94 on SP143119
Thuringowa City Council

- 6 DEC 2007
568848

I refer to the application from Stockland Development Pty Ltd C/- Brazier Motti received by this department on 18 September 2007 seeking approval for the above proposal, as indicated on the plans listed in the table below.

Job Number	Plan Number	Plan Name	Plan Date
25544/82-2	25544/95 H	Precincts 2 and 3	17 th August 2007
25544/92-2	25544/101 E	Proposed Reconfiguration Lots 316 – 318	17 th August 2007
Waterway Gardens Vision Page 5	Figure 3.2	Vision Elements	

An assessment of the proposed development on Queensland Transport's (QT) jurisdiction, namely the increased integration between land use and transport (s8A of the *Transport Planning and Coordination Act 1994*) and safety and operational integrity of railways and future railways (s258 of the *Transport Infrastructure Act 1994*) has been completed.

It is advised that the proposal is supported with conditions of development as identified on the attached Statement of Reasons. These conditions must be included in any decision notice issued for this proposal.

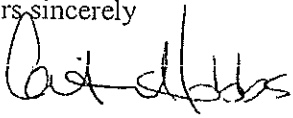
Integrated Transport Planning
Transport Planning

Level 2
146 Wills Street Townsville Queensland 4810
PO Box 1293 Townsville Queensland 4810
ABN 13 200 330 520

Our ref 890/01265 TVS-231
Your ref R360;10185, R360/1;10186
R361:10187;PDJ;jmw
Enquiries Catherine Hobbs
Telephone +61 7 4720 7441
Facsimile +61 7 4720 7327
Website www.transport.qld.gov.au
Email catherine.m.hobbs@transport.qld.gov.au

A copy of this letter and the Statement of Reasons has been sent to the applicant.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Catherine Hobbs', written over the closing 'Yours sincerely'.

Catherine Hobbs

Principal Advisor (Planning)



Attachment 1

Queensland Transport Concurrence Agency Conditions and Statement of Reasons TVS-231

Queensland Transport

Application for: Preliminary Approval under section 3.1.5 of the Integrated Planning Act for the reconfiguration of a lot (Precinct's 2 and 3 of the approved plan of development); and
Development Permit under section 3.1.5 of the Integrated Planning Act for the reconfiguration of a lot (stages 1 within Precinct 2 of the approved development plan)
Off Burdell Road, Burdell
Lot 1 on RP835468 and Lot 94 on SP143119
Thuringowa City Council

Timing	Conditions for the subject application	Advice	Jurisdiction for the condition	Reasons
TRESPASS				
Prior to the sealing of the plan of survey for Precincts 2 and 3 or Stage 1 within Precinct 2 – whichever comes first.	1. The applicant must, prior to the sealing of the plan of survey for Precincts 2 and 3 or Stage 1 within Precinct 2 – whichever comes first, erect or upgrade boundary fencing, at no cost to Queensland Transport (QT) or Queensland Rail (QR), along the common boundary of Precincts 2 and 3 with the rail corridor (ie the southern boundary of proposed lot 317 as shown on Brazier Motti Plan 25544/101E dated 17 August 2007 . The minimum standard of this fencing must be in accordance with Queensland Rail – Civil Engineering Standard Security Fence drawing numbers:		Section 258 of the <i>Transport Infrastructure Act 1994</i>	This fencing is required because the development must: - not encourage or create a higher risk of unauthorised pedestrian access - not create a demand for any pedestrian access point to or through the rail corridor; - not increase the risk of trespass, human-related safety issues or

Timing	Conditions for the subject application	Advice	Jurisdiction for the condition	Reasons
Within 6 weeks of the sealing of the plan of survey for Precincts 2 and 3 or Stage 1 within Precinct 2 – whichever comes first.	▪ 2544 Security Fence; ▪ 2545B 1800mm Timber Fence; or ▪ 2546 Standard Steel Panel Fence. (Attachment 1). 2. The applicant must provide RPEQ certification that the fencing has been constructed according to the nominated standard.			interruptions to rail services by persons, animals or materials; • not have fill, debris or building materials intrude onto the rail corridor.
STORMWATER AND DRAINAGE				
Prior to the sealing of the plan of survey for Precincts 2 and 3 or Stage 1 within Precinct 2, whichever comes first and to be maintained at all times Prior to the sealing of the plan of survey for Precincts 2 and 3 or	3. The applicant must ensure that stormwater drainage on the site does not: ▪ Increase the stormwater or flooding flows onto the rail corridor; ▪ Cause back-up or ponding of water on the rail corridor; ▪ Result in adverse impacts on the structural integrity of the railway infrastructure as a result of the development. 4. The applicant must construct the proposed drainage works adjacent to the rail corridor in accordance with the <i>Cardno Waterway Gardens, Burdell, Precincts 2 and 3 Reconfiguration</i>		Section 258 of the <i>Transport Infrastructure Act 1994</i>	The development must: ▪ not cause an increase in run-off or flooding that will interfere with or impede the railway or will threaten, or is likely to threaten, the railway's safety or operational integrity; ▪ not direct or increase stormwater or flooding flows onto the rail corridor; ▪ not effect the stormwater or

Timing	Conditions for the subject application	Advice	Jurisdiction for the condition	Reasons
Stage 1 within Precinct 2, whichever comes first To be maintained at all times Within 6 weeks of the sealing of the plan of survey for Precincts 2 and 3 or Stage 1 within Precinct 2 whichever comes first	<i>Infrastructure Planning Report</i> dated 10 August 2007 ("the Cardno Report"). Adequacy of table drain falls 5. The applicant must construct Table Drains A and B as shown and described in the Cardno Report and so that the Q50 flood level will be contained within Table Drains A and B. 6. The applicant must provide RPEQ certification that the drainage and stormwater management measures have been constructed according to the nominated standards in Stormwater and Drainage conditions (3) (4) and (5) above.			flooding flows adjacent to the rail corridor to ensure the structural integrity of the railway infrastructure and avoid scour and prevent obstruction of the railway as a result of stormwater or flooding debris.
EROSION PROTECTION MEASURES – TABLE DRAINS AND NOISE MOUNDS				
To be maintained at all times	Table Drains A and B 7. The developer must topsoil, hydromulch and revegetate Table Drains A and B and verges, as shown and described in the Cardno Report, with grass to provide erosion protection. Topsoiling, hydromulching and revegetation must be carried out in accordance with the <i>City of Thuringowa Auspec Development Construction Specification C273 – Landscaping - section C273.06</i>.		Section 258 of the <i>Transport Infrastructure Act 1994</i>	The development must: ▪ not cause an increase in run-off or flooding that will interfere with or impede the railway or will threaten, or is likely to threaten, the railway's safety or operational integrity; ▪ not direct or increase

Timing	Conditions for the subject application	Advice	Jurisdiction for the condition	Reasons
Within 6 weeks of the completion of construction of Table Drains A and B Prior to the sealing of the plan of survey for Precincts 2 and 3 or Stage 1 within Precinct 2 – whichever comes first. Within 6 weeks of the completion of construction of Noise Mounds A and B	8. The applicant must provide RPEQ certification that the erosion protection measures have been established to Table Drains A and B and verges according to the nominated standard in (7) above. Noise Mounds A and B 9. Noise Mounds A and B as shown and described in the Cardno Report must be fully landscaped to the satisfaction of the City of Thuringowa Council (Council) to ensure that there is no risk of erosion. 10. The applicant must provide RPEQ certification that the erosion protection measures have been established to Noise Mounds A and B according to the nominated standard in (9) above.			stormwater or flooding flows onto the rail corridor; not effect the stormwater or flooding flows adjacent to the rail corridor to ensure the structural integrity of the railway infrastructure and avoid scour and prevent obstruction of the railway as a result of stormwater or flooding debris.
MAINTENANCE OF THE TABLE DRAINS AND NOISE MOUNDS				
To be maintained at all times	Maintenance - Table Drains A and B 11. The applicant or its nominated contractor must maintain Table Drains A and B shown and described in the Cardno Report to a satisfactory standard so that they do not become clogged with siltation, long grass and weeds and thereby prevent or block the flow of stormwater and flooding from the rail corridor.		Section 258 of the <i>Transport Infrastructure Act 1994</i>	Works associated with the development must not intrude onto the rail corridor or threaten the safety and operational integrity of the rail corridor. Any works within 25metres of the rail corridor boundary must avoid the risk of

Timing	Conditions for the subject application	Advice	Jurisdiction for the condition	Reasons
Within 6 weeks of the completion of construction of Table Drains A and B	12. The developer or its nominated contractor must carry out this maintenance for a period of 12 months, or longer if specified by Council, after the works are accepted as “on maintenance” by Council. The developer or its contractor maintains responsibility for the maintenance until Council accepts the works off maintenance. 13. Upon the Table Drains coming “off maintenance”, the maintenance will become the responsibility of Council. 14. The applicant must provide, RPEQ certification and documentation that the required maintenance to Table Drains A and B will be carried out according to the nominated standard in (12) and (13) and (14) above. Maintenance – Noise Mounds A and B 15. The applicant or its nominated contractor must maintain Noise Mounds A and B, shown and described in the Cardno Report, to a satisfactory standard so that they do not erode or become scoured by rainfall and flooding and thereby prevent the flow of stormwater and flooding along Table Drains A and B. This maintenance shall incorporate regular inspections. 16. The developer or its nominated contractor must carry out this maintenance for a period of 12 months, or longer if specified by Council, after the works are accepted as “on maintenance” by Council. The developer or its contractor maintains responsibility for the maintenance until Council accepts the works “off maintenance”.			collapse, subsidence or other adverse impacts on the rail corridor and rail infrastructure, and must not cause any damage to any existing fencing on this site.

Timing	Conditions for the subject application	Advice	Jurisdiction for the condition	Reasons
Within 6 weeks of the completion of construction of the development	17. Upon the Noise Mounds coming “off maintenance”, the maintenance will become the responsibility of Council. 18. The applicant must provide RPEQ certification and documentation that the required maintenance to Noise Mounds A and B will be carried out according to the nominated standard in (16) above.			
MAINTENANCE ACCESS FROM THE WATERWAY GARDEN'S SIDE OF THE RAIL CORRIDOR				
Within 6 weeks of the completion of construction of the works	Provision of access from the Waterway Gardens side of the rail corridor boundary for maintenance of fencing, Table Drains A and B and Noise Mounds A and B 19. The developer must construct Table Drains A and B so that: (a) A 3 metre access strip is provided for and maintained between the rail corridor boundary and the top of Table Drains A and B (refer Cardno Report). (b) Maintenance vehicle/tractor access is available at all times from the Stockland's side of the Waterway Gardens proposal for the purpose of maintenance of the future rail corridor security fence, table drains and noise mounds. 20. The applicant must provide RPEQ certification that the required access has been constructed to the standard in (20) above.		Section 258 of the <i>Transport Infrastructure Act 1994</i>	Works associated with the development must not intrude onto the rail corridor or threaten the safety and operational integrity of the rail corridor. Any works within 25metres of the rail corridor boundary must avoid the risk of collapse, subsidence or other adverse impacts on the rail corridor and rail infrastructure, and must not cause any damage to any existing fencing on this site.

Timing	Conditions for the subject application	Advice	Jurisdiction for the condition	Reasons
WORKS ON THE BOUNDARY				
prior to the sealing of the plan of survey for Precincts 2 and 3 or Stage 1 within Precinct 2 – whichever comes first	21. The applicant must ensure that if at any stage works within 25metres of the rail corridor boundary occur, these works will be designed and constructed to avoid risk of collapse, subsidence or other adverse impacts on the railway and/or the railway infrastructure, and shall be subject to the following criteria: - Construction activities for any proposed wall/s on or adjacent to the rail corridor boundary will have the approval of a Registered Professional Engineer of Queensland; - The design of any wall/s on or adjacent to the rail corridor boundary shall be in compliance with QR Standard Requirement MCE-SR-005 "Requirements for the design of buildings over or near railways" (Attachment 2) as amended from time to time; - Construction will be from the applicant's side of the boundary. Fill, debris or building materials associated with the development will not intrude onto the rail corridor.		Section 258 of the <i>Transport Infrastructure Act 1994</i>	Works associated with the development must not intrude onto the rail corridor or threaten the safety and operational integrity of the rail corridor. Any works within 25metres of the rail corridor boundary must avoid the risk of collapse, subsidence or other adverse impacts on the rail corridor and rail infrastructure, and must not cause any damage to any existing fencing on this site.
Within six weeks of the sealing of the plan of survey for Precincts 2 and 3 or Stage 1 within	22. The applicant must provide RPEQ certification that the works have been constructed to the nominated specification.			

Timing	Conditions for the subject application	Advice	Jurisdiction for the condition	Reasons
Precinct 2 – whichever comes first				
NOISE				
Prior to the sealing of the plan of survey for Precincts 2 and 3 or Stage 1 within Precinct 2 – whichever comes first	23. The applicant must construct the Earth Mound/Acoustic Barrier as shown on Brazier Motti drawing Ref: Plan 25544/95H dated 17 August 2007 and as shown and described in the Cardno Report.			The proposal information provided shows that part of the development contains noise sensitive places within 100 metres of the rail corridor boundary.
Within six weeks of the sealing of the plan of survey	24. The applicant must provide a report from a suitably qualified acoustic expert certifying that the above condition has been complied with. The acoustic report must include noise monitoring at relevant locations on the development side of the proposed noise mounds.			Development must be located, designed and managed to ensure noise levels resulting from existing and future railway operations do not unduly adversely affect the amenity of users and occupants. Consequently this condition is applied.

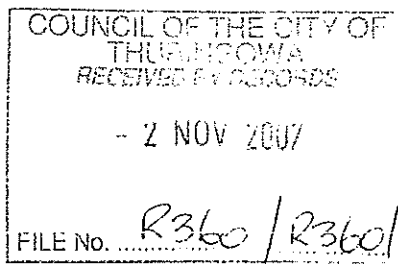
Advisory Notes

Interference with a railway

The applicant should be advised that it may be necessary for Queensland Rail to assess this development proposal in relation to any interference with a railway. This assessment will be conducted under section 255 of the *Transport Infrastructure Act 1997*. Queensland Rail's section 255 approval should be sought by the applicant prior to construction commencement.

Queensland Rail initial point of contact:

Principal Planner
QR Property
GPO Box 1429
Brisbane QLD 4001
Tel: (07) 3235 1605
Fax: (07) 3235 2429



Queensland
Government

Your Reference: R360;10185 R360/1;10186 R361;10187
Our Reference: IC1007TSV0006
Contact: Shannon Hart
Directorate / Unit: Catchment & Regional Planning
Phone: (07) 4799 7054

Department of
Natural Resources,
Mines and Water

30 October 2007

ps

Chief Executive Officer
Thuringowa City Council
PO Box 86
Thuringowa Central QLD 4817

2 - NOV 2007

562692

Attention: Mr Paul Johnston

Application to Reconfigure a Lot on Lot 1 on RP835468 & Lot 94 on SP143119 – Thuringowa City Council – Concurrence Agency Response

I refer to the above application. The chief executive of the Department of Natural Resources and Water (concurrence agency for the application / advice agency for the application) advises as follows:

- ☐ The concurrence agency response for the application, prepared pursuant to section 3.3.16(1) of the *Integrated Planning Act 1997*, is **enclosed**. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about the above, please contact Shannon Hart, Natural Resource Officer, North Region, on telephone number (07) 4799 7054, quoting the above reference number.

Yours sincerely

Shannon Hart
Natural Resource Officer
North Region

	MAYOR	CE	CC	DM	HS	IS	LE	IN	FR	CA	PH	LI	IT	PL	CT	PT	CS
ACTION REPLY														✓			
INFO																	
ORIG														✓			
ATTACH																	

Department of Natural
Resources and Water
Level 2, 187 – 209 Stanley
Street, PO Box 5318
Townsville, Queensland
4810 Australia

Telephone (07) 4799 7054

Facsimile (07) 4799 7641

Website www.nrw.qld.gov

Referral Agency Response

s 3.3.16 Integrated Planning Act 1997



Queensland
Government

Natural Resources
and Water

1. Application information

- 1.1. **Applicant's name:** Stockland Development Pty Ltd
- 1.2. **Date application received:** 19 September 2007
- 1.3. **Type of development covered by the application:**
- ☐ Reconfiguring a Lot
- 1.4. **Type of development approval sought:**
- ☐ Combined approval
- Preliminary approval for Reconfiguring a Lot
 - Development permit for Reconfiguring a Lot
- 1.5. **Property description:** Lot 1 on RP835468 & Lot 94 on SP143119
- 1.6. **Department's reference:** IC1007TSV0006

2. Referral agency response information

We wish this submission to be treated as properly made submission under the *Integrated Planning Act 1997*.

- 2.1. **Roles of the chief executive, Department of Natural Resources and Water for the application:**

☐ Concurrence agency

☐ Advice agency

- 2.2. **Types of response being given in this notice:**

☐ Concurrence agency response – go to 2.3

☐ Advice agency response – go to 2.4

- 2.3. **Concurrence agency response:**

Full details of the concurrence agency response for the type of development for which the chief executive, Department of Natural Resources and Water, is a concurrence agency for this application, are set out below:

☐ Operational work that is the clearing of native vegetation.

○ No concurrence agency requirements.

End of response for operational work that is the clearing of native vegetation.

2.4. Advice agency response:

Full details of the advice agency response for the type of development for which the chief executive, Department of Natural Resources and Water, is an advice agency for this application, are set out below:

☐ Development in an area containing acid sulfate soils.

○ Advice about the development application:

This advice is the same as the advice supplied for the DA for Precinct 1 Stages 1& 2 (IA0707TSV002) as the development is in the same area. The management plan appears to be basic but acceptable assuming no PASS or AASS is encountered (as expected). The level of treatment proposed in the management plan may not be sufficient if indicators of PASS or AASS are found. If they are encountered, the contractor would need to engage the services of consultant for further testing and, if necessary, an increased level of treatment.

Indicators of ASS in the current ASSMP could be improved. Some recommended indicators that should be used by the contractor as triggers for engaging the consultant for further testing and if necessary, remediation measures are provided in the below.

Notable indicators of Acid Sulfate Soil include:

Checks for PASS whilst excavating:

1. Material excavated near or below the water table where the material is dark organic peats (i.e. woodchip), dark black, dark grey or greeny grey mud or sand.
2. Excavated PASS may emit a sulfurous smell (e.g. rotten egg gas)
3. Excavated PASS may initially have a high natural pH (7-->8) in line with the marine conditions under which it was formed.
4. Yellow "sulfurous" and yellowy orange salts (e.g. jarosite and goethite) forming on the surface or a mottling effect through of disturbed soils.

Check for AASS whilst excavating

5. Excavated AASS is often located immediately above or approaching the groundwater table. Excavated AASS will likely contain bright yellow to orange mottles, often through a grey matrix material. The natural pH of AASS will be low pH<5.0

Void Water Quality Checks

6. Look for orange "Rust" staining about stockpiles or excavation batters particularly following rainfall events

7. Look for any change in void water colour, particularly milky aqua blue or crystal clear
8. Check void water quality for low pH <5.5 and corresponding high EC. Indicator strips can be used to check if any ferrous iron is present (<3 mg/L).

End of response for development in an area containing acid sulfate soils.



Shannon Hart
Natural Resource Officer

30 October 2007



Queensland
Government

27 NOV 2007

27 NOV 2007

FILE NO

R361

567782

26 November 2007

Department of Main Roads

Chief Executive Officer
Thuringowa City Council
PO Box 86
Thuringowa Central Qld 4817

PS

	M	C	D	M	H	I	L	I	F	R	E	C	P	H	L	I	T	P	C	T	P	C
	A	E	C	C	R	S	E	N	I	A	N	C	A	W	I	N	C	L	E	W	C	B
	Y	O	S	G	S	G	S	N	I	V	S	R	B	R	S	N	D	C	C	C	C	C
ACTION																						
REPLY																						
INFO																						
ORIG																						
ATTACH																						

Dear Madam

Referral response made pursuant to s. 3.3.16 of the *Integrated Planning Act 1997* (Qld)
City of Thuringowa: State-controlled road 10M – Bruce Highway (Townsville-Ingham)
Proposal: Preliminary Approval – Precinct 3 “Waterway Gardens”
Real Property Description: Lot 1 RP835468 and Lot 94 SP143119 (Subject Land)
Site Locality: Burdell Road, Burdell
Applicant: Stockland Pty Ltd C/- Brazier Motti

I refer to the above mentioned development application received by Main Roads on 18 September 2007, requesting Main Roads concurrence agency approval. On 30 October 2007, Main Roads extended its assessment period by 20 business days.

Pursuant to s. 3.3.16 of the *Integrated Planning Act 1997* (Qld), Main Roads as a concurrence agency, assessed the impact of the proposed development on the State-controlled road network and requires that Council attach specific conditions to the development. The *Conditions of Development* and *Statement of Reasons* are attached.

Main Roads requests that Thuringowa City Council attach an Advisory Note to its decision notice advising that Thuringowa City Council and/or any private certifiers do not issue the developer with a Certificate of Occupancy, Certificate of Completion or Certificate of Currency without first receiving written acknowledgment from Main Roads confirming the developer has complied with the attached *Conditions of Development*.

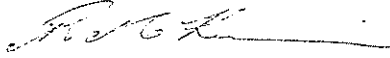
Main Roads reserves the right to reassess this advice should the proposal not proceed in accordance with the development application. A copy of this letter along with the attached table of *Conditions of Development* and *Statement of Reasons* has been sent to the applicant.

Roads Business Group
Northern District
Ground Floor
146 Wills Street Townsville Queensland 4810
PO Box 1089 Townsville Queensland 4810
ABN 57 836 727 711

Our ref 830/431; 1943
Your ref R361
Enquiries Lisa Lock
Telephone +61 7 4720 7304
Facsimile +61 7 4720 7211
Website www.mainroads.qld.gov.au
Email lisa.m.lock@mainroads.qld.gov.au

Should you wish to discuss this matter further please contact Ms Lisa Lock on 4720 7304.

Yours sincerely



Ian Rose
District Director (Northern)

Enc (5)



Conditions of Development and Statement of Reasons

City of Thuringowa: State-Controlled Road 10M – Bruce Highway (Townsville – Ingham)

Proposal: Preliminary Approval – Precinct 3 “Waterway Gardens”

Real Property Description: Lot 94 SP143119 (Subject Land)

Site Locality: Burdell Road, Burdell

Applicant: Stockland Pty Ltd C/- Brazier Motti

Reason	Conditions of Development	Condition Basis
- To ensure the development proceeds in accordance with the proposal. - The construction of the intersection is a requirement of the Infrastructure Agreement between Main Roads and the applicant.	Layout - Unless otherwise approved in writing by Main Roads or otherwise varied by the conditions herein, the development land use layout shall generally comply with the following attached plans: - Brazier Motti Plan Titled <i>Precinct 2 and 3</i>, Plan Number 25544/95 H, Job Number 25544/82 – 2 and dated 17th August 2007; and - Figure 3.2 Vision Elements, titled <i>Land use and Function</i>, provided to Main Roads as part of the supporting documentation, in Appendix C of the Planning Report dated August 2007. General - Prior the sealing of the plan of survey for the proposed development, the developer shall construct a staggered T intersection at the intersection of Shaw Road/Bruce Highway and Burdell Road/Bruce Highway generally in accordance with the Maunsell Plan 80400801/SK25.	s. 3.3.15 of the <i>Integrated Planning Act 1997</i> (Qld) <i>Road Transport Infrastructure Agreement in Respect of Waterway Gardens</i> dated 25 September 2006.

Reason	Conditions of Development	Condition Basis
3. The commencement of works within Precinct 3 of Waterway Gardens will adversely affect the safe and efficient operation of the Burdell/Bruce Highway and Shaw Road Bruce Highway intersection whilst under construction 4. Precinct 3 of Waterway Gardens proposes noise sensitive developments within close proximity to the Bruce Highway, a significant source of road traffic noise.	General (cont.) 3. Prior to the commencement of any works within Precinct 3 of Waterway Gardens, the staggered T intersection, currently under construction at the intersection of Shaw Road/Bruce Highway and Burdell Road/Bruce Highway must be constructed and be operational with traffic signals, including the open level crossing on Burdell Road. Noise Amelioration - Architectural Treatment 4. Any structures within the area identified within Frame B and the Core land use built with habitable rooms between the Bruce Highway and the 60 dBA contour shown in the attached plan titled <i>Bruce Highway Year 2018 (Without Arterial Link L10 (18 hour) Façade Corrected Upper Level (+4.6m) 080807</i> shall be architecturally treated and maintained to achieve or better the criteria stated in Australian Standard AS2107: Acoustics – <i>Recommended Design Sound Levels and Reverberation Times for Building Interior</i> in those habitable rooms. 5. Pursuant to conditions 4 and 6 above, Australian Standard AS3671: Acoustics – <i>Road Traffic Noise Intrusion, Building Siting and Construction</i> is to be used to guide the design of the architectural treatments. 6. To achieve compliance with conditions 4 and 6 above: all external openings are to be closed when these habitable rooms are occupied; and	3. s. 62 <i>Transport Infrastructure Act 1994</i> (Qld) 4. Main Roads' <i>Road Traffic Noise Management: Code of Practice</i>.

Reason	Conditions of Development	Condition Basis
	Noise Amelioration - Architectural Treatment (cont.) a. an air-conditioning/mechanical ventilation system that does not degrade the internal acoustic environment or the sound isolation of the building envelope, and also meets the ventilation requirements of the Building Code of Australia, may need to be installed. 7. Certification (RPEQ) that the required architectural treatments have been implemented is to be provided to Main Roads prior to Thuringowa City Council or any Private Certifier issuing to the issuing for any noise sensitive development identified in conditions 4 and 6 above, a Certificate of Occupancy, Certificate of Completion or Certificate of Currency, Noise amelioration - Landscaped Earth Mound with Noise Barrier 8. Prior Thuringowa City Council or any Private Certifier issuing for any development within Precinct 2 of Waterway Gardens, a Certificate of Occupancy, Certificate of Completion or Certificate of Currency, the applicant shall design and construct a landscaped earth mound noise barrier combination. The landscaped earth mound noise barrier combination shall be: a. in accordance with figure 7 of the approved road traffic noise management report (attached); and b. 3.6m high, have a maximum slope of 1:2 and consist of a flat top of at least 2m in width.	
8. The approved road traffic noise management report prepared by the Max Winders and Associates Report No. 03.166, dated 8.8.07 has recommended that an earth mound noise barrier combination is required.		8. Main Roads <i>Road Traffic Noise Management Code of Practice</i>.

Reason	Conditions of Development	Condition Basis
	Design and Construction of the Earth Mound Noise Barrier Combination 9. The earth mound required pursuant to condition 8 above shall be designed and constructed in accordance with Main Roads' <i>Standard Specification MRS 11.04 and MRS 11.16</i> and Main Roads' <i>Road Planning and Design Manual</i>: - The design of the earth mound shall not commence until all earthwork 'design' within Precinct 3 has been completed. - Both sides of the earth mound shall be landscaped in accordance with Main Roads' <i>Landscape Manual</i>. - Construction of the earth mound shall not commence until all earthwork 'construction' within Precinct 3 is completed. 10. Pursuant to condition 9b above the developer shall: - Landscape and irrigate the earth mound to the toe of the batter; - Ensure that all mounds and batters are landscaped, hydromulched and seeded sufficiently to prevent erosion and degradation; - Ensure that permanent irrigation is provided to the landscaped area on the entire earth mound; - Ensure that the permanent irrigation system delivers to the landscaped area of the earth mound the equivalent of not less than 40 millimeters of rain per week for a period of not less than 52 weeks ; - Ensure that maintenance is provided to the acoustic mound for a period of not less than 52 weeks; - Ensure that all irrigation systems are installed during the construction of the mounds; - Ensure all works in respect to the earth mound including construction, landscaping and irrigation is completed in accordance with above to the written satisfaction of Main Roads; and	9. Main Roads' <i>Road Traffic Noise Management Code of Practice</i> and Main Roads' <i>Landscape Manual</i>

Reason	Conditions of Development	Condition Basis
	Design and Construction of the Earth Mound Noise Barrier Combination (cont.) h. Provide a bank guarantee to secure the maintenance of the landscaped areas for a period of not less than 12 months. i. The value of the bank guarantee is to be ascertained by the developer submitting to Main Roads a bill of works for the construction of the fence and mound combination together with landscaping and irrigation costs. ii. Where such bill of works is agreed to by Main Roads, the value of the bank guarantee shall be 10% of the estimated cost of those works. iii. The bank guarantee will be returned to the developer at the expiration of the 12 month period provided Main Roads has not been required to undertake any works required to be undertaken by the developer pursuant to these conditions. 11. The noise barrier required pursuant to condition 9 above shall be designed and constructed in accordance with Main Roads' Standard Specification MRS 11.15 and Main Roads' <i>Road Planning and Design Manual</i>. a. The structural calculations and design of the noise barrier should not commence until all earthwork design within Precinct 3 has been completed. b. Certified (RPEQ) structural design calculations and design drawings shall be submitted to Main Roads for design acceptance, prior to the commencement of construction. 12. Issues such as pedestrian safety, pedestrian access, provision for utility services and associated maintenance, sight distance criteria and the design itself in accordance with the Main Roads <i>Landscape Manual</i> etc, will be considered by Main Roads prior to approval.	

Reason	Conditions of Development	Condition Basis
	Design and Construction of the Earth Mound Noise Barrier Combination (cont) 13. Any changes of the earth mound or noise barrier design after design approval by Main Roads has been given will require re-submission of the altered design for approval by Main Roads. 14. Any retaining walls that interact with a earth mound or noise barrier shall be structurally designed in conjunction with the earth mound or noise barrier. 15. All retaining walls without boulders shall be designed and constructed in accordance with Australian Standard AS4678 - <i>Earth Retaining Structures</i>. Additionally reference may need to be made to either Australian Standard AS3600 - <i>Concrete Structures</i> or Australian Standard AS3700 - <i>Masonry Structures</i>. 16. All retaining walls with boulders shall be designed and constructed to meet the requirements of Main Roads' Technical Note BD61 (Draft 07/05) - <i>Boulder Retaining Wall Design Criteria</i>. 17. The "as constructed" noise barrier will be inspected by a Main Roads' officer(s) prior to construction acceptance being given. Noise Amelioration - General 18. To ensure the maintenance of the structural integrity of the noise barrier fence footings no part of a landscaped earth mound that includes a noise barrier fence shall be removed even if part of the landscaped earth mound or noise barrier fence footings, resides in private property.	

Reason	Conditions of Development	Condition Basis
19. Main Roads acknowledges that the department may be subject to noise in addition to the State-controlled road network. 22. Main Roads requires the as constructed details and plans for inclusion in its records.	Noise Amelioration - General (cont.) 19. In the event of a conflict between Main Roads' conditions of development to manage road traffic noise and Local Government or other Referral Agencies' conditions of development to manage road traffic noise or other forms of noise, Main Roads' requirements shall not be compromised. 20. Where the Local Government or other Referral Agencies' conditions of development are more stringent than Main Roads' with regard to noise, the applicant is to note that the implementation of Local Government or other Referral Agencies' conditions is supported by Main Roads. 21. The developer shall provide to Main Roads, for approval a new Road Traffic Noise Management Report if any of the following occurs: a. Any designed or as constructed earthworks levels within Precinct 2 which results in an increase of 200mm or more compared to pad levels or receiver height levels assumed in the approved report; or b. If any part of the development changes, that is acoustically significant to the conclusions of the approved report or reduces the acoustic effectiveness of other conditions of development; or c. If the receivers heights increase by 200mm and or the effective noise attenuating structure decrease in height by 200mm compared to the assumptions made in the approved report. 22. The developer shall provide to Main Roads: a. The coordinates of the as-constructed noise attenuating structures (earth mounds and noise barriers) in MGA and AHD coordinates. The attenuating structures shall be surveyed at the top edge or surface; and	

Reason	Conditions of Development	Condition Basis
23. The proposed development has the potential to modify the existing stormwater drainage on the State-controlled road network.	Noise Amelioration - General (cont.) b. the as constructed drawings of any noise attenuating structures (earth mounds and noise barriers) shall be provided to the Main Roads. Drainage 23. Any excavation, filling, paving, building, landscaping, construction or any other modification to the Subject Land must not: a. change the location of any point of discharge of storm water runoff from the Subject Land onto the state-controlled road without the prior written approval of Main Roads; b. create any new discharge points for storm water runoff from the Subject Land onto the State-controlled road; c. increase the time of concentration, volume, duration or frequency of storm water discharge into the State-controlled road for a storm event with an average recurrence interval of 50 years (ARI₅₀) or more; d. with the existing storm water drainage on the State-controlled road without the prior written approval of Main Roads; nor e. increase the surcharge of any culvert or drain on the State-controlled road	23. s. 33 <i>Transport Infrastructure Act 1994 (Qld)</i> and <i>Main Roads' 'Road Planning and Design Manual'</i>.
	Roadside Advertising 24. Advertising signs are prohibited within the State-controlled road reserve fronting the Subject Land. 25. Any onsite advertising must conform to guidelines set for such signs in <i>Main Roads' Guide to the Management of Roadside Advertising</i> (Part 10.4 – Advertising devices beyond the boundaries of, but visible from the State-controlled roads.)	
24. Advertising signs either within or adjacent to State-controlled roads may obscure signage or distract drivers.		24. s. 50 <i>Transport Infrastructure Act 1994 (Qld)</i> and <i>Main Roads' Guidelines for Assessment of Road Impacts of Development</i>.

Reason	Conditions of Development	Condition Basis
26. If not properly installed, on-site lights may interfere with the vision of motorists on the State-controlled road	Roadside Lighting 26. Any floodlights on the Subject Land must be shielded, directed downwards and away from the State-controlled road so as not to interfere with the vision of motorists.	26. Main Roads' <i>Guidelines for Assessment of Road Impacts of Development.</i>

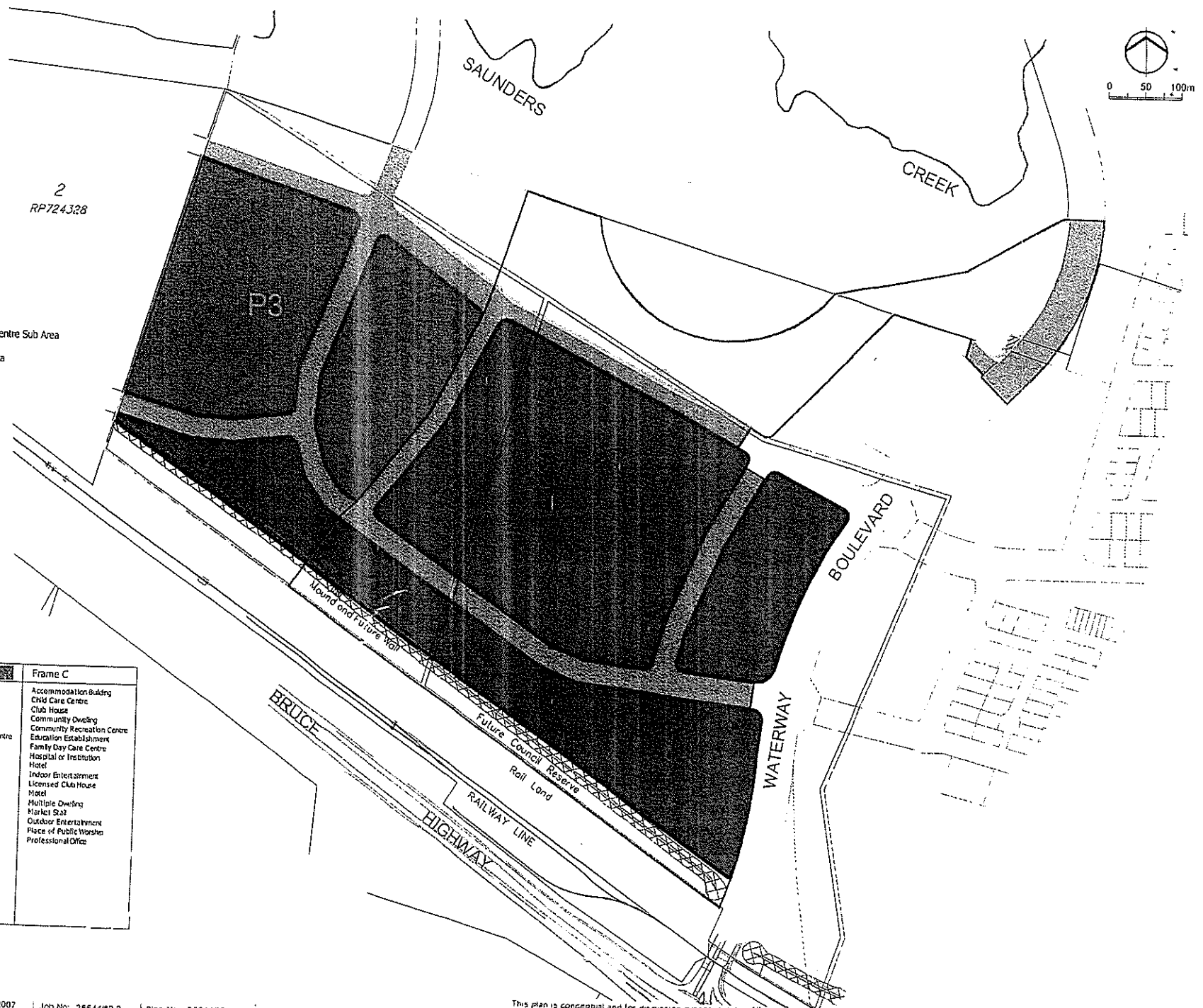
Precincts 2 and 3

LEGEND

-  Core 16.95 ha
-  Frame A 9.75 ha
-  Frame B 11.70 ha
-  Frame C 9.14 ha
-  Precinct 2
-  Precinct 3
-  Commercial Planning Area - Neighbourhood Centre Sub Area
-  Commercial Planning Area - Mixed Use Sub Area
-  Residential Planning Area
-  Subject to separate Road Closure Application
-  New Road

INTENDED LAND USES

Core	Frame A	Frame B	Frame C
Carpark	Bulk Store	Accommodation Building	Accommodation Building
Car Washing Station	Carpark	Bulk Store	Child Care Centre
Catering Shop	Car Washing Station	Child Care Centre	Club House
Child Care Centre	Catering Shop	Club House	Community Dwelling
Commercial Premises	Child Care Centre	Community Dwelling	Community Recreation Centre
Estate Sales Office	Club House	Community Recreation Centre	Education Establishment
Family Day Care Centre	Commercial Premises	Dwelling House	Family Day Care Centre
Hotel	Estate Sales Office	Duplex Dwelling	Hospital or Institution
Indoor Entertainment	Family Day Care Centre	Educational Establishment	Hotel
Licensed Club House	Garden Centre	Garden Centre	Licensed Club House
Passenger Terminal	Hardware Store	Hospital or Institution	Hotel
Restaurant	Hospital or Institution	Hotel	Multiple Dwelling
Retail Plant Nursery	Hotel	Indoor Entertainment	Market Stall
Service Station	Indoor Entertainment	Licensed Club House	Outdoor Entertainment
Shop	Licensed Club House	Hotel	Place of Public Worship
Shopping Centre	Market Stall	Multiple Dwelling	Professional Office
Showroom	Passenger Terminal	Passenger Terminal	
Special Use	Professional Office	Place of Public Worship	
	Service Industry	Retirement Village	
	Service Station	Service Industry	
	Showroom	Showroom	
	Veterinary Clinic	Veterinary Clinic	
	Veterinary Hospital	Veterinary Hospital	



3.2 Land Use and Function

The Town Centre vision provides the flexibility to deliver the various elements and land uses over time in a logical and systematic fashion. The vision makes provision for a mix of land uses all of which are consistent with the role of a Major Activity Centre and could reasonably be expected to occur in a Town Centre of this scale over time.

The key objectives of the land use and function of the Town Centre include:

- To deliver a diverse mix of commercial, entertainment, retail and community uses that will contribute to a dynamic and vibrant Town Centre;
- To organise land uses within the Town Centre that integrate the centre as a whole and relate to its context and structure of Waterway Gardens;
- To encourage land use that generates activity over a 24-hour period to assist community safety, surveillance and protect residential amenity;
- To ensure that the community, retail and commercial areas provided achieves the critical mass necessary to establish a dynamic and prosperous Town Centre;
- Provide a range of housing that is responsive to local needs;
- To ensure that a public transport system is supported by complimentary land uses and a major transport node is located within the centre;
- To establish a series of legible public spaces that act to link key spaces and nodes providing opportunities for recreation, community events and informal gatherings;
- To make provision for appropriate community land use needs that may arise;
- To provide appropriate buffer transitional uses surrounding the Town Centre and adjoining residential developments;
- Minimise impacts on significant existing vegetation within the area; and
- Encourage retention of significant existing vegetation and natural assets wherever possible.

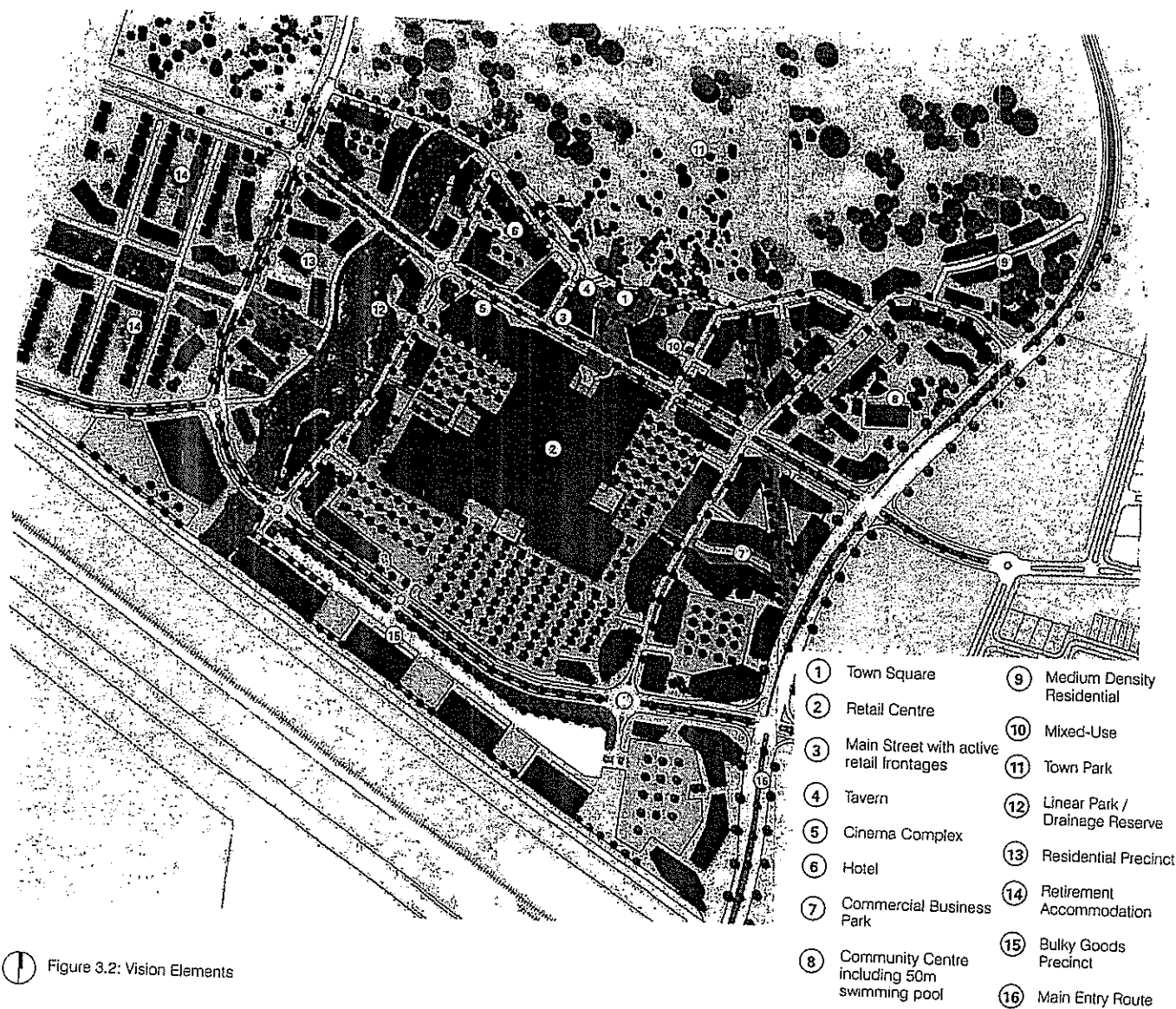


Figure 3.2: Vision Elements



Precincts 2 and 3

LEGEND

- 2
RP72432
- | | | |
|---|--|----------|
|  | Core | 17.23 ha |
|  | Frame A | 9.75 ha |
|  | Frame B | 11.70 ha |
| | Frame C | 8.86 ha |
|  | Precinct 2 | |
| | Precinct 3 | |
|  | Commercial Planning Area - Neighbourhood Centre Sub Area | |
|  | Commercial Planning Area - Mixed Use Sub Area | |
|  | Residential Planning Area | |
|  | Subject to separate Road Closure Application | |

2
RP724328

INTENDED LAND USES			
Cons	Frame A	Frame B	Frame C
Carpenter	Dish Shop	Accommodation Building	Accommodation Building
Cat Washing Station	Carpenter	Dish Shop	Child Care Centre
Catering Shop	Cat Washing Station	Cat Washing Station	Child House
Child Care Centre	Catering Shop	Child House	Community Dwelling
Commercial premises	Child Care Centre	Community Dwelling	Community Dwelling
Estates Sales Office	Child House	Community Dwelling	Community Dwelling
Family Day Care Centre	Commercial premises	Community Dwelling	Education Establishment
Hotel	Estates Sales Office	Community Dwelling	Family Day Care Centre
Indoor Entertainment	Family Day Care Centre	Dish Shop	Hospital or Institution
Licensed Club House	Guest Centre	Dish Shop	Hotel
Passenger Terminal	Guest Centre	Dish Shop	Indoor Entertainment
Restaurant	Hospital or Institution	Dish Shop	Licensed Club House
Retail Book Nursery	Hotel	Dish Shop	Multiple Dwelling
Service Station	Indoor Entertainment	Dish Shop	Market Stall
Shop	Licensed Club House	Dish Shop	Outdoor Entertainment
Shipping Centre	Market Stall	Dish Shop	Place of Public Worship
Showroom	Multiple Dwelling	Dish Shop	Professional Office
Specialist	Passenger Terminal	Dish Shop	
	Professional Office	Dish Shop	
	Place of Public Worship	Dish Shop	
	Service Industry	Dish Shop	
	Showroom	Dish Shop	
	Veterinary Clinic	Dish Shop	
	Veterinary Hospital	Dish Shop	



surveying	town planning
project management	mapping and GIS

Date: 30th July, 2007

Job No: 25544972

Figure 1 *Flowchart of the study*

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

PLAN SCALE 1:6,000 HORIZONTAL

LONG SECTION_____ VE

DRAWING REF. BRAZIER MOTT Plan 25544/96 B. 2/05/07 1:5 000 (A3)

*Max Winders & Associates Pty Ltd
Consulting Engineers and
Environmental Scientists*

AMENDMENTS



Stockland

BURDELL

CLIENT STOCKLAND DEVELOPMENT

JOB No. 03-186

FIGURE 7

PROPOSED NOISE CONTROLS PRECINCTS 2 AND 3





Queensland
Government

27 NOV 2007

567786

R360

26 November 2007

85

Chief Executive Officer
Thuringowa City Council
PO Box 86
Thuringowa Central Qld 4817

	MAYOR	CEO	DM	CH	IL	IF	RE	EC	PR	IL	IT	PC	CT	PT	TC
	OR	O	CG	RS	SG	AN	AN	AN	AN	AN	AN	AN	AN	AN	AN
ACTION															
REPLY															
INFO															
ORIG															
ATTACH															

Dear Madam

Referral response made pursuant to s. 3.3.16 of the *Integrated Planning Act 1997* (Qld)
City of Thuringowa: State-controlled road 10M – Bruce Highway (Townsville-Ingham)
Proposal: Reconfiguration of a Lot – Precinct 2 Stage 1 “Waterway Gardens”
Real Property Description: Lot 1 RP835468 and Lot 94 SP143119 (Subject Land)
Site Locality: Burdell Road, Burdell
Applicant: Stockland Pty Ltd C/- Brazier Motti

I refer to the above mentioned development application received by Main Roads on 18 September 2007, requesting Main Roads’ concurrence agency approval. On 30 October 2007, Main Roads extended its assessment period by 20 business days.

Pursuant to s. 3.3.16 of the *Integrated Planning Act 1997 (Qld)*, Main Roads as a concurrence agency, assessed the impact of the proposed development on the State-controlled road network and requires that Council attach specific conditions to the development. The *Conditions of Development* and *Statement of Reasons* are attached.

Main Roads requests that Thuringowa City Council attach an Advisory Note to its decision notice advising that Thuringowa City Council and/or any private certifiers do not issue the developer with a Certificate of Occupancy, Certificate of Completion or Certificate of Currency without first receiving written acknowledgment from Main Roads confirming the developer has complied with the attached *Conditions of Development*.

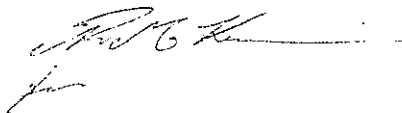
Main Roads reserves the right to reassess this advice should the proposal not proceed in accordance with the development application. A copy of this letter along with the attached table of *Conditions of Development* and *Statement of Reasons* has been sent to the applicant.

Office of the Deputy Director-General
Northern District
Ground Floor, 146 Wills Street
Townsville Queensland 4810
PO Box 1089 Townsville Queensland 4810
ABN 57 836 727 711

Our ref 830/431; 1943
Your ref R360
Enquiries Lisa Lock
Telephone +61 7 4720 7304
Facsimile +61 7 4720 7211
Website www.mainroads.qld.gov.au
Email lisa.m.lock@mainroads.qld.gov.au

Should you wish to discuss this matter further please contact Ms Lisa Lock on 4720 7304.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Rose', written over a horizontal line.

Ian Rose
District Director (Northern)

Enc (6)



Conditions of Development and Statement of Reasons

City of Thuringowa: State-Controlled Road 10M – Bruce Highway (Townsville – Ingham)

Proposal: Reconfiguration of a Lot – Precinct 2 Stage 1 “Waterway Gardens”

Real Property Description: Lot 94 SP143119 (Subject Land)

Site Locality: Burdell Road, Burdell

Applicant: Stockland Pty Ltd C/- Brazier Motti

Reason	Conditions of Development	Condition Basis
1. To ensure the development proceeds in accordance with the proposal.	Layout 1. Unless otherwise approved in writing by Main Roads or otherwise varied by the conditions herein, the proposed reconfiguration of a lot shall generally the attached Brazier Motti Plan titled <i>Proposed Reconfiguration Lots 316-318, Cancelling Proposed Lot 303 on BM plan 25544/77C (Lot 1 on RP835468)</i> Plan Number 25544/101 E Job Number 25544/92-2 and dated 17th August 2007: a. Any future development within Precinct 2 of Waterway Gardens shall generally comply the following attached Plans: i. Brazier Motti Plan Titled <i>Precinct 2 and 3</i>, Plan Number 25544/95 H, Job Number 25544/82 – 2 and dated 17th August 2007; and ii. Figure 3.2 Vision Elements, titled <i>Land Use and Function</i>, provided to Main Roads as part of the supporting documentation, in Appendix C of the Planning Report dated August 2007.	1. s. 3.3.15 of the <i>Integrated Planning Act 1997</i> (Qld)

Reason	Conditions of Development	Condition Basis
2. The construction of the intersection is a requirement of the Infrastructure Agreement between Main Roads and the applicant. 3. The commencement of works within Stage 1 of Precinct 2 of Waterway Gardens will adversely affect the safe and efficient operation of the Burdell/Bruce Highway and Shaw Road Bruce Highway intersection whilst under construction. 4. Precinct 2 of Waterway Gardens proposes noise sensitive developments within close proximity to the Bruce Highway, a significant source of road traffic noise.	General 2. Prior the sealing of the plan of survey for the proposed development, the developer shall construct a staggered T intersection at the intersection of Shaw Road/Bruce Highway and Burdell Road/Bruce Highway generally in accordance with the Maunsell Plan 80400801/SK25. 3. Prior to the commencement of any works within Precinct 2 and 3 of Waterway Gardens, the staggered T intersection, currently under construction at the intersection of Shaw Road/Bruce Highway and Burdell Road/Bruce Highway must be constructed and be operational with traffic signals, including the open level crossing on Burdell Road. Noise Amelioration (Architectural Treatment) 4. The applicant shall architecturally treat and maintain the building envelope of any Child Care Centre, Family Day Care Centre, Hotel or Motel which is located within Frame A as identified in the attached Brazier Motti Plan Titled <i>Precinct 2 and 3</i>, Plan Number 25544/95 H, Job Number 25544/82 – 2 and dated 17th August 2007 to achieve or better the Main Roads' internal noise criterion of 48 dBA L_{A10(1hour)}.	2. <i>Road Transport Infrastructure Agreement in Respect of Waterway Gardens</i> dated 25 September 2006. 3. s. 62 <i>Transport Infrastructure Act 1994</i> (Qld) 4. Main Roads' <i>Road Traffic Noise Management: Code of Practice</i>.

Reason	Conditions of Development	Condition Basis
	Noise Amelioration (Architectural Treatment) 5. Any other noise sensitive development other than those outlined in condition 4 above, is not permitted within Frame A. 6. Any structures within the area identified within the Core land use built with habitable rooms between the Bruce Highway and the 60dBA contour shown in the attach plan titled <i>Bruce Highway Year 2018 (Without Arterial Link L10 (18 hour) Façade Corrected Upper Level (+4.6M) 080807</i> shall be architecturally treated and maintained to achieve or better the criteria stated in Australian Standard AS2107: Acoustics – <i>Recommended Design Sound Levels and Reverberation Times for Building Interior</i> in those habitable rooms. 7. Pursuant to conditions 4 and 6 above, Australian Standard AS3671: Acoustics – <i>Road Traffic Noise Intrusion, Building Siting and Construction</i> is to be used to guide the design of the architectural treatments. 8. To achieve compliance with conditions 4 and 6 above: a. all external openings are to be closed when these habitable rooms are occupied; and b. an air-conditioning/mechanical ventilation system that does not degrade the internal acoustic environment or the sound isolation of the building envelope, and also meets the ventilation requirements of the Building Code of Australia, may need to be installed. 9. Certification (RPEQ) that the required architectural treatments have been implemented is to be provided to Main Roads prior to Thuringowa City Council or any Private Certifier issuing to the issuing for any noise sensitive development identified in conditions 4 and 6 above, a Certificate of Occupancy, Certificate of Completion or Certificate of Currency,	

Reason	Conditions of Development	Condition Basis
10. The approved road traffic noise management report prepared by the Max Winders and Associates Report No. 03.166, dated 8.8.07 has recommended that an earth mound noise barrier combination is required.	Noise amelioration (Landscaped Earth Mound with Noise Barrier) 10. Prior Thuringowa City Council or any Private Certifier issuing for any development within Precinct 2 of Waterway Gardens, a Certificate of Occupancy, Certificate of Completion or Certificate of Currency, the applicant shall design and construct a landscaped earth mound noise barrier combination. The landscaped earth mound noise barrier combination shall be: a. in accordance with figure 7 of the approved road traffic noise management report (attached); and b. 3.6m high, have a maximum slope of 1:2 and consist of a flat top of at least 2m in width. Design and Construction of the Earth Mound Noise Barrier Combination 11. The earth mound required pursuant to condition 9 above shall be designed and constructed in accordance with Main Roads' <i>Standard Specification MRS 11.04 and MRS 11.16</i> and Main Roads' <i>Road Planning and Design Manual</i>: a. The design of the earth mound shall not commence until all earthwork 'design' within Precinct 2 has been completed. b. Both sides of the earth mound shall be landscaped in accordance with Main Roads' <i>Landscape Manual</i>. c. Construction of the earth mound shall not commence until all earthwork 'construction' within Precinct 2 is completed. 12. Pursuant to condition 11b above the developer shall: a. Landscape and irrigate the earth mound to the toe of the batter; b. Ensure that all mounds and batters are landscaped, hydromulched and seeded sufficiently to prevent erosion and degradation; c. Ensure that permanent irrigation is provided to the landscaped area on the entire earth mound;	10. Main Roads <i>Road Traffic Noise Management Code of Practice</i>. 11. Main Roads' <i>Road Traffic Noise Management Code of Practice</i> and Main Roads' <i>Landscape Manual</i>

Reason	Conditions of Development	Condition Basis
	Design and Construction of the Earth Mound Noise Barrier Combination d. Ensure that the permanent irrigation system delivers to the landscaped area of the earth mound the equivalent of not less than 40 millimeters of rain per week for a period of not less than 52 weeks ; e. Ensure that maintenance is provided to the acoustic mound for a period of not less than 52 weeks; f. Ensure that all irrigation systems are installed during the construction of the mounds; g. Ensure all works in respect to the earth mound including construction, landscaping and irrigation is completed in accordance with above to the written satisfaction of Main Roads; and h. Provide a bank guarantee to secure the maintenance of the landscaped areas for a period of not less than 12 months. i. The value of the bank guarantee is to be ascertained by the developer submitting to Main Roads a bill of works for the construction of the fence and mound combination together with landscaping and irrigation costs. ii. Where such bill of works is agreed to by Main Roads, the value of the bank guarantee shall be 10% of the estimated cost of those works. iii. The bank guarantee will be returned to the developer at the expiration of the 12 month period provided Main Roads has not been required to undertake any works required to be undertaken by the developer pursuant to these conditions.	

Reason	Conditions of Development	Condition Basis
	Design and Construction of the Earth Mound Noise Barrier Combination 13. The noise barrier required pursuant to condition 10 above shall be designed and constructed in accordance with Main Roads' Standard Specification MRS 11.15 and Main Roads' <i>Road Planning and Design Manual</i>. a. The structural calculations and design of the noise barrier should not commence until all earthwork design within Precinct 2 has been completed. b. Certified (RPEQ) structural design calculations and design drawings shall be submitted to Main Roads for design acceptance, prior to the commencement of construction. 14. Issues such as pedestrian safety, pedestrian access, provision for utility services and associated maintenance, sight distance criteria and the design itself in accordance with the Main Roads <i>Landscape Manual</i> etc, will be considered by Main Roads prior to approval. 15. Any changes of the earth mound or noise barrier design after design approval by Main Roads has been given will require re-submission of the altered design for approval by Main Roads. 16. Any retaining walls that interact with an earth mound or noise barrier shall be structurally designed in conjunction with the earth mound or noise barrier. 17. All retaining walls without boulders shall be designed and constructed in accordance with Australian Standard AS4678 - <i>Earth Retaining Structures</i>. Additionally reference may need to be made to either Australian Standard AS3600 - <i>Concrete Structures</i> or Australian Standard AS3700 - <i>Masonry Structures</i>. 18. All retaining walls with boulders shall be designed and constructed to meet the requirements of Main Roads' Technical Note BD61 (Draft 07/05) - <i>Boulder Retaining Wall Design Criteria</i>.	

Reason	Conditions of Development	Condition Basis
21. Main Roads acknowledges that the department may be subject to noise in addition to the State-controlled road network.	Design and Construction of the Earth Mound Noise Barrier Combination 19. The "as constructed" noise barrier will be inspected by a Main Roads' officer(s) prior to construction acceptance being given. Noise Amelioration General 20. To ensure the maintenance of the structural integrity of the noise barrier fence footings no part of a landscaped earth mound that includes a noise barrier fence shall be removed even if part of the landscaped earth mound or noise barrier fence footings, resides in private property. 21. In the event of a conflict between Main Roads' conditions of development to manage road traffic noise and Local Government or other Referral Agencies' conditions of development to manage road traffic noise or other forms of noise, Main Roads' requirements shall not be compromised. 22. Where the Local Government or other Referral Agencies' conditions of development are more stringent than Main Roads' with regard to noise, the applicant is to note that the implementation of Local Government or other Referral Agencies' conditions is supported by Main Roads. The developer shall provide to Main Roads, for approval a new Road Traffic Noise Management Report if any of the following occurs: a. Any designed or as constructed earthworks levels within Precinct 2 which results in an increase of 200mm or more compared to pad levels or receiver height levels assumed in the approved report; or b. If any part of the development changes, that is acoustically significant to the conclusions of the approved report or reduces the acoustic effectiveness of other conditions of development; or	

Reason	Conditions of Development	Condition Basis
23. Main Roads requires the as constructed details and plans for inclusion in its records. 25. The proposed development has the potential to modify the existing stormwater drainage on the State-controlled road network.	Noise Amelioration General c. If the receivers heights increase by 200mm and or the effective noise attenuating structure decrease in height by 200mm compared to the assumptions made in the approved report. 24. The developer shall provide to Main Roads: a. The coordinates of the as-constructed noise attenuating structures (earth mounds and noise barriers) in MGA and AHD coordinates. The attenuating structures shall be surveyed at the top edge or surface; and b. the as constructed drawings of any noise attenuating structures (earth mounds and noise barriers) shall be provided to the Main Roads. Drainage 25. Any excavation, filling, paving, building, landscaping, construction or any other modification to the Subject Land must not: a. change the location of any point of discharge of storm water runoff from the Subject Land onto the state-controlled road without the prior written approval of Main Roads; b. create any new discharge points for storm water runoff from the Subject Land onto the State-controlled road; c. increase the time of concentration, volume, duration or frequency of storm water discharge into the State-controlled road for a storm event with an average recurrence interval of 50 years (ARI₅₀) or more; d. with the existing storm water drainage on the State-controlled road without the prior written approval of Main Roads; nor e. increase the surcharge of any culvert or drain on the State-controlled road	25. s. 33 <i>Transport Infrastructure Act 1994 (Qld)</i> and <i>Main Roads' 'Road Planning and Design Manual'</i>.

Reason	Conditions of Development	Condition Basis
26. Advertising signs either within or adjacent to State-controlled roads may obscure signage or distract drivers.	Roadside Advertising and Lighting 26. Advertising signs are prohibited within the State-controlled road reserve fronting the Subject Land. 27. Any onsite advertising must conform to guidelines set for such signs in Main Roads' <i>Guide to the Management of Roadside Advertising</i> (Part 10.4 – Advertising devices beyond the boundaries of, but visible from the State-controlled roads.)	26. s. 50 <i>Transport Infrastructure Act 1994 (Qld)</i> and Main Roads' <i>Guidelines for Assessment of Road Impacts of Development</i> .
28. If not properly installed, on-site lights may interfere with the vision of motorists on the State-controlled road	28. Any floodlights on the Subject Land must be shielded, directed downwards and away from the State-controlled road so as not to interfere with the vision of motorists.	28. Main Roads' <i>Guidelines for Assessment of Road Impacts of Development</i> .



WATERWAY GARDENS

for tomorrow's way of living

Precincts 2 and 3

LEGEND

- Core 16.95 ha
- Frame A 9.75 ha
- Frame B 11.70 ha
- Frame C 9.14 ha

Precinct 2

Precinct 3

Commercial Planning Area - Neighbourhood Centre Sub Area

Commercial Planning Area - Mixed Use Sub Area

Residential Planning Area

Subject to separate Road Closure Application

New Road

2
RP724328

INTENDED LAND USES			
Core	Frame A	Frame B	Frame C
Carpark	Bulk Store	Accommodation Building	Accommodation Building
Car Washing Station	Carpark	Bulk Store	Child Care Centre
Catering Shop	Car Washing Station	Child Care Centre	Club House
Child Care Centre	Catering Shop	Community Dwelling	Community Dwelling
Commercial Premises	Child Care Centre	Community Recreation Centre	Community Recreation Centre
Estate Sales Office	Club House	Dwelling House	Education Establishment
Family Day Care Centre	Commercial Premises	Display Home	Family Day Care Centre
Hotel	Estate Sales Office	Duplex Dwelling	Hospital or Institution
Indoor Entertainment	Family Day Care Centre	Educational Establishment	Hotel
Licensed Club House	Garden Centre	Garden Centre	Indoor Entertainment
Passenger Terminal	Hardware Store	Hospital or Institution	Licensed Club House
Restaurant	Hospital or Institution	Hotel	Motel
Retail Plant Nursery	Hotel	Indoor Entertainment	Multiple Dwelling
Service Station	Licensed Club House	Licensed Club House	Market Stall
Shop	Market Stall	Hotel	Outdoor Entertainment
Shopping Centre	Hotel	Multiple Dwelling	Place of Public Worship
Showroom	Passenger Terminal	Passenger Terminal	Professional Office
Special Use	Professional Office	Place of Public Worship	
	Place of Public Worship	Recreation Village	
	Service Industry	Service Industry	
	Service Station	Showroom	
	Showroom	Veterinary Clinic	
	Veterinary Clinic	Veterinary Hospital	
	Veterinary Hospital		



surveying town planning
project management mapping and GIS

Date: 17th August, 2007

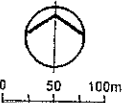
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Plan No: 25544/P5 H

Scale: 1:5000 @ A3

Drawn: JS

This plan is conceptual and for discussion purposes only. All areas dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals



3.2 Land Use and Function

The Town Centre vision provides the flexibility to deliver the various elements and land uses over time in a logical and systematic fashion. The vision makes provision for a mix of land uses all of which are consistent with the role of a Major Activity Centre and could reasonably be expected to occur in a Town Centre of this scale over time.

The key objectives of the land use and function of the Town Centre include:

- To deliver a diverse mix of commercial, entertainment, retail and community uses that will contribute to a dynamic and vibrant Town Centre;
- To organise land uses within the Town Centre that integrate the centre as a whole and relate to its context and structure of Waterway Gardens;
- To encourage land use that generates activity over a 24-hour period to assist community safety, surveillance and protect residential amenity;
- To ensure that the community, retail and commercial areas provided achieves the critical mass necessary to establish a dynamic and prosperous Town Centre;
- Provide a range of housing that is responsive to local needs;
- To ensure that a public transport system is supported by complimentary land uses and a major transport node is located within the centre;
- To establish a series of legible public spaces that act to link key spaces and nodes providing opportunities for recreation, community events and informal gatherings;
- To make provision for appropriate community land use needs that may arise;
- To provide appropriate buffer transitional uses surrounding the Town Centre and adjoining residential developments,
- Minimise Impacts on significant existing vegetation within the area; and
- Encourage retention of significant existing vegetation and natural assets wherever possible.

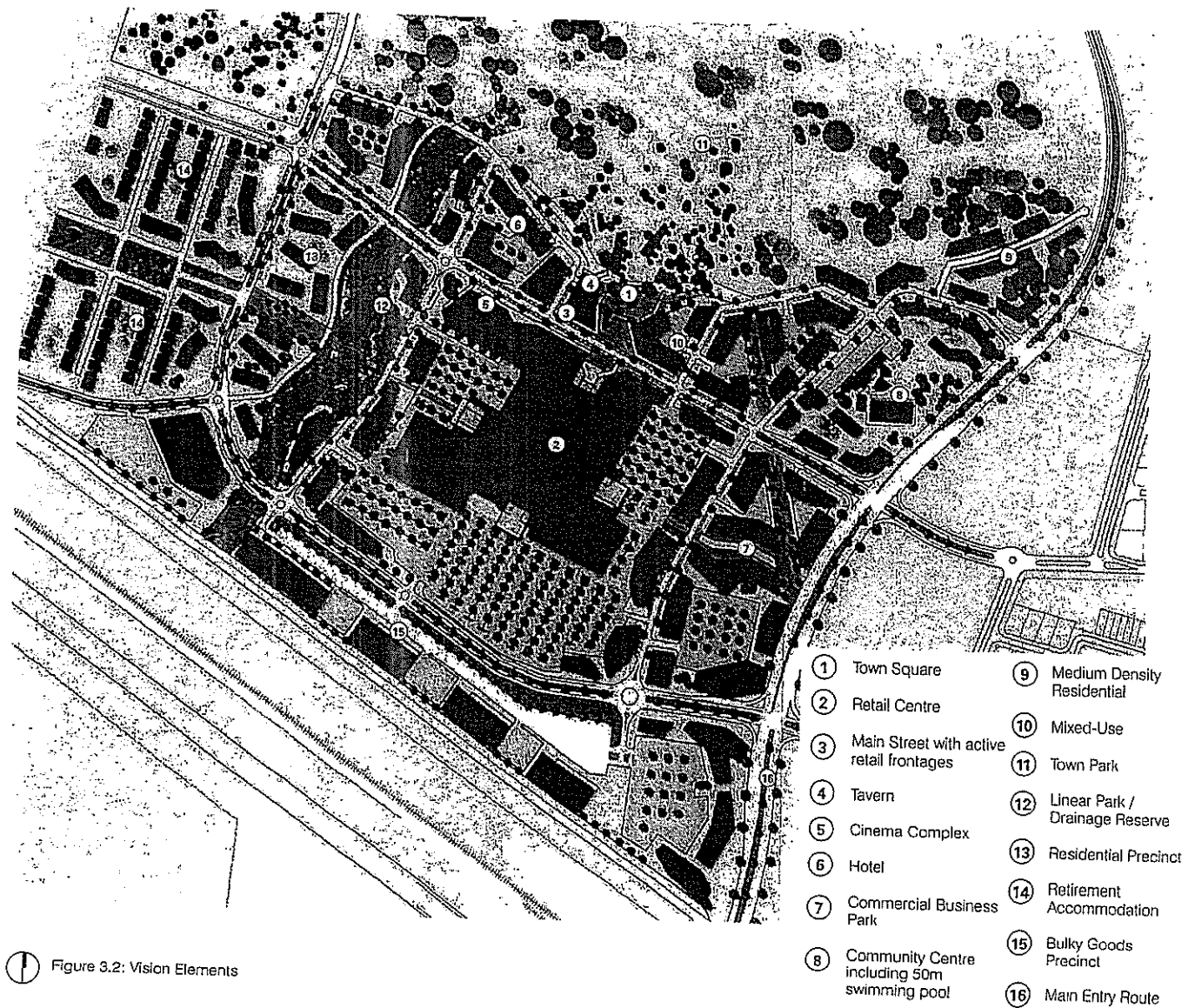
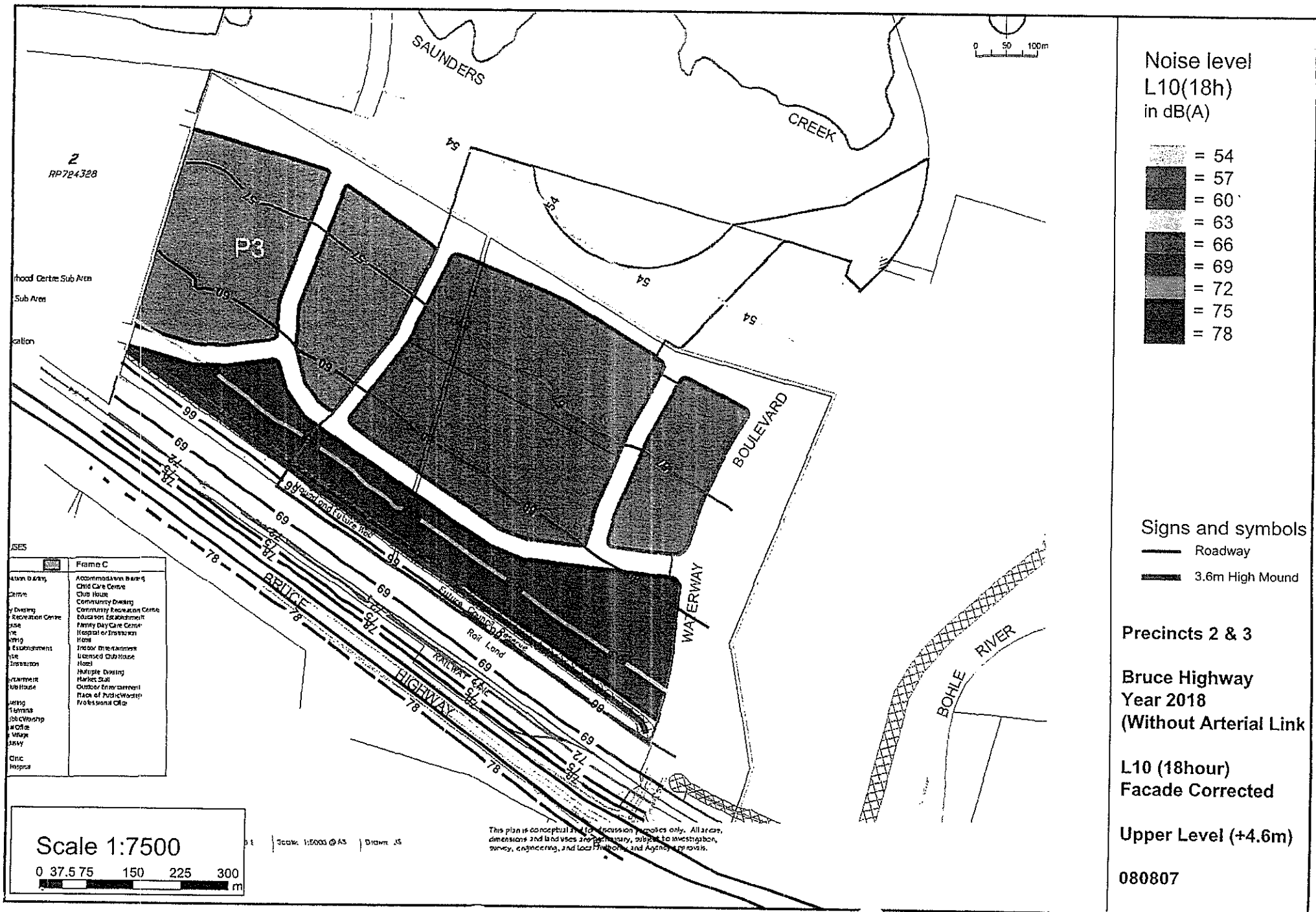


Figure 3.2: Vision Elements





Precincts 2 and 3

LEGEND

- Core 17.23 ha
- Frame A 9.75 ha
- Frame B 11.70 ha
- Frame C 8.86 ha
- Precinct 2
- Precinct 3
- Commercial Planning Area - Neighbourhood Centre Sub Area
- Commercial Planning Area - Mixed Use Sub Area
- Residential Planning Area
- Subject to separate Road Closure Application

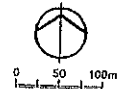
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RP724328

Core	Frame A	Frame B	Frame C
Carwash	Bulk Store	Accommodation Building	Accommodation Building
Car Washing Station	Car Wash	Auto Care Centre	Auto Care Centre
Catering Shop	Catering Shop	Club House	Club House
Child Care Centre	Child Care Centre	Community Dwelling	Community Dwelling
Commercial Premises	Commercial Premises	Community Recreation Centre	Community Recreation Centre
Estates Sales Office	Estates Sales Office	Display Home	Display Home
Family Day Care Centre	Family Day Care Centre	Duplicate Dwelling	Duplicate Dwelling
Hotel	Hotel	Educational Establishment	Educational Establishment
Indoor Entertainment	Indoor Entertainment	Garden Centre	Garden Centre
Licensed Club House	Licensed Club House	Hospital or Institution	Hospital or Institution
Passenger Terminal	Passenger Terminal	Hotel	Hotel
Restaurant	Restaurant	Indoor Entertainment	Indoor Entertainment
Retail Land Nursery	Retail Land Nursery	Licensed Club House	Licensed Club House
Service Station	Service Station	Market Stall	Market Stall
Shop	Shop	Hotel	Hotel
Shopping Centre	Shopping Centre	Multiple Dwelling	Multiple Dwelling
Showroom	Showroom	Place of Public Worship	Place of Public Worship
Specialist	Specialist	Professional Office	Professional Office



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Date: 10th July 2007 Job No: 25544/02-2 Plan No: 25514/05 E Scale: 1:5000 @ A3 Drawn: JS

SAUNDERS
CREEK



BOULEVARD

WATERWAY

BRUCE

RAILWAY LINE
Highway

BOHLE RIVER

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

PLAN SCALE 1:6,000 HORIZONTAL
LONG SECTION VERTICAL

DRAWING REF. BRAZIER MOTI Plan 25544/05 B, 2/05/07 1:5,000 (A3)
DRAWING NO. 03-166-07 6Aug2007

Max Winders & Associates Pty Ltd
Consulting Engineer and
Environmental Scientists

AMENDMENTS



BURDELL

CLIENT LAND DEVELOPMENT
JOB No. 03-166
DATE 08/08/07

FIGURE 7

PROPOSED NOISE CONTROLS
PRECINCTS 2 AND 3



Attachment C
Infrastructure Agreement

State of Queensland acting through Main Roads

Stockland Development Pty Ltd

Road Transport Infrastructure Agreement in respect of Waterway Gardens

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Date

Parties

The State of Queensland acting through Main Roads

Stockland

Background

- A Stockland is or will become the Owner of the Land.
 - B Stockland lodged the Development Application with the Council.
 - C The Council issued the Development Approval subject to conditions on the Approval Date.
 - D Stockland has filed the Stockland Appeal in the Planning and Environment Court in respect of the conditions of the Development Approval.
 - E Main Roads is a Co-Respondent to the Stockland Appeal and is a Co-Respondent to the Queensland Transport Appeal, Queensland Rail Appeal and the Townsville Appeal.
 - F Stockland and Main Roads have agreed to settle the Issues in Dispute between the parties on the terms in this document to provide for the Proposed Development.
-

Agreed terms

- 1 Interpretation
 - 1.1 Name

This document may be referred to in accordance with item 2.
 - 1.2 Commencement

This document commences on the Commencement Date.
 - 1.3 Interpretation
 - (a) In this document, unless a contrary intention appears, reference to:
 - (i) a clause is to a clause in this document; and

- (ii) the singular includes the plural and vice versa; and
 - (iii) any gender includes all other genders; and
 - (iv) a person includes a firm, a corporation, an association and a body, whether incorporated or not and a government or statutory body or authority; and
 - (v) legislation (including subordinate legislation) includes:
 - (A) statutory instruments under the legislation; and
 - (B) consolidations, amendments, re-enactments or replacements of the legislation; and
 - (vi) writing includes any mode of representing or reproducing words in tangible and permanently visible form including facsimile transmissions but excluding electronic mail transmissions; and
 - (vii) this or any other document includes the document as varied or replaced and is not affected by any change in the identity of the parties; and
 - (viii) a day is to a Calendar Day.
- (b) The clause headings appearing in this document are inserted for convenience of reference and do not affect the construction of this document.
 - (c) If any words are italicised or otherwise printed differently, this has been done for convenience only and does not affect the construction of this document.
 - (d) Whenever more persons than one constitute a party all the covenants, agreements, conditions, restrictions and provisos on the part of that party contained or implied in this document bind those persons jointly and each of them severally.
 - (e) This document is in all respects to be interpreted in accordance with the laws of the State of Queensland, and the parties irrevocably and unconditionally submit to the non-exclusive jurisdiction of the courts of that state and any courts which have jurisdiction to hear appeals from them, and waive any right to object to proceedings being brought in those courts.
 - (f) An inclusive definition, or an example or particularisation of a provision, does not limit but may extend that definition or provision.
 - (g) Where a word or expression is defined, other parts of speech and grammatical forms of that word or expression have a corresponding definition.
 - (h) All schedules to this document form part of this document and a reference to an item is a reference to an item in **Schedule 1** (Agreement Details).

- (i) Where under or pursuant to this document the day on which any act, matter or thing is to be done is not a Business Day, such act, matter or thing may be done on the next proceeding Business Day.

1.4 Definitions

In this document:

Act means the *Integrated Planning Act 1997*.

Appeals means any proceedings commenced in the Planning and Environment Court or other relevant Court in respect of the Proposed Development.

Approval Date means the date specified in item 7 on which the Development Application was approved by the Council.

Authorised Person means the officer of Main Roads having duly appointed authority for the subject matter in relation to which the term is used and includes the officer (if any) for the time being acting in that position or his or her nominee.

Authority means all authorities or instrumentalities which have jurisdiction over the Works.

Bruce Highway Intersection Works means the Stage 1 at grade works at the Shaw Road intersection with the Bruce Highway and the Burdell Road intersection with the Bruce Highway as generally shown in **Schedule 2** (Bruce Highway Intersection Works) and includes, where necessary the relocation (or payment of the costs associated with such relocation) of infrastructure, including but not limited to electrical, telecommunication and drainage infrastructure.

Building has the meaning given in the Act.

Business Day means a day that is not –

- (a) a Saturday or a Sunday; or
- (b) a public holiday, special holiday or bank holiday in Queensland; or
- (c) between 26 December of a year and 1 January of the following year.

Calendar Day means the period from one midnight to the following one.

Chief Executive means the Director-General of Main Roads and includes his or her nominee.

Commencement Date means the date when this document commences being the date when the last party executes this document which is specified in item 1.

Commercial Planning Area means the Commercial Planning Area specified in Map 1 (Structure Plan) in the Plan of Development.

Council means the Thuringowa City Council, the Public Office of which is located at 86 Thuringowa Drive, Thuringowa Central, and includes its predecessors, successors, transferees and assigns.

Default Notice see **clause 12.1** (Notice of Default).

Development has the meaning given in the Act.

Development Application means the development application made to the Council under the Act specified in item 6.

Development Approval means the development approval issued by the Council under the Act specified in item 7 and includes any –

- (a) change to that document made by the Planning and Environment Court as a result of the Appeals; and
- (b) amendment to that document or the document specified in paragraph (a) made pursuant to the Act.

Dispute Notice means a Notice given by one party to another party pursuant to **clause 17** (Dispute resolution generally).

Do includes carry out, provide, perform and undertake and **Done** has the corresponding meaning.

Financial Contribution see **clause 6.1** (Stockland's Financial Contribution).

Force Majeure means an event:

- (a) being a decree of the Commonwealth Government or the State Government, an act of God, industrial disturbance, act of public enemy, war, international blockade, public riot, lightning, flood, earthquake, fire, storm or other event whether of a kind herein specified or otherwise; and
- (b) which is not within the control of the party claiming Force Majeure; and
- (c) which could not have been prevented by the exercise by that person of a standard of foresight, care and diligence consistent with that of a prudent and competent person under the circumstances.

Future Development Application means a development application under the Act for a Material Change of Use or Reconfiguring a Lot in respect of the Land.

Future Development Approval means a development approval under the Act in respect of a Future Development Application.

Future Road Corridor see **clause 8.2(a)(i)** (Stockland's Land Contribution).

Infrastructure Agreement has the meaning given in the Act.

Issues in Dispute means:

- (a) the grounds of appeal in the Stockland Appeal, the Queensland Transport Appeal, the Queensland Rail Appeal and the Townsville Appeal; and
- (b) any matter, claim or allegation with respect to those grounds of appeal, or incidental to them; and
- (c) any matter, claim or allegation with respect to any subject matter of this document, or incidental to it.

Land means the land described in item 5 and includes:

- (a) any interest or estate in, on, over or under the land; and
- (b) the airspace above the surface of the land; and
- (c) the subsoil of the land; and
- (d) any part or parts of the land.

Land Contribution see **clause 8.1** (Stockland's Land Contribution).

Land Transfer Notice means a notice given by Main Roads to Stockland pursuant to **clause 8.2(a)** (Specification of Land Contribution).

Local Government Road means a road under the control of the Council under the *Local Government Act 1993*.

Lot has the meaning given in the Act.

Main Roads means the Queensland Department of Main Roads as specified in item 3 or the department or Minister of the Crown responsible for the administration of legislation relating to Road Transport Infrastructure.

Main Roads Approval means a consent, permit, licence, authorisation or approval that is issued by Main Roads pursuant to legislation.

Material Change of Use has the meaning given in the Act.

Noise Amelioration Measures includes, but is not limited to:

- (a) an acoustic barrier; and
- (b) an earth mound; and
- (c) development design and layout; and
- (d) building design and layout; and
- (e) operational requirements of Development and Use; and
- (f) any combination of the measures specified in paragraphs (a) to (e).

Noise Sensitive Place has the meaning given in the *Environmental Protection (Noise) Policy 1997*.

Notice means any certificate, demand or notice to be made, given or served by a party under this document.

Owner of the Land means the person for the time being entitled to receive the rent for the Land or would be entitled to receive the rent for it if it were let to a tenant at a rent.

Plan of Development means Plan of Development No. 1 in Schedule A of the Development Approval and includes any amendment to that document made pursuant to the Act.

Plan of Subdivision has the meaning given to *plan* in the Act. For the avoidance of doubt a survey plan in respect to the Land is a Plan of Subdivision.

Planning and Environment Court means the Planning and Environment Court of Queensland.

Planning Area has the meaning given in the Plan of Development.

Precinct Plan means the precinct plan submitted to and approved by the Council as part of a development approval for Reconfiguring a Lot in a Precinct Plan Area in accordance with the Plan of Development.

Precondition see **clause 2.4(a)** (Precondition).

Preliminary Approval has the meaning given in the Act.

Precinct Plan Area has the meaning given in the Plan of Development.

Prescribed Development mean the Development as specified in the Plan of Development which is specified in column 1 of the table in **clause 6.2** (Specification of the Financial Contribution).

Proposed Development means the Development of the Land provided for:

- (a) in the Development Approval; and
- (b) in **Schedule 4** (Road Transport Infrastructure Contributions) irrespective of whether the Development of the Land is provided for in the Development Approval.

Protected Rail Crossing means an at grade Railway Crossing where Burdell Road crosses the Railway to facilitate the Bruce Highway Intersection Works.

Proposed Road Closure Area means the existing area of Burdell Road shown in cross hatching that is proposed to be closed and dealt with under section 240 (Lease of land to railway managers) of the *Transport Infrastructure Act 1994* that is shown on the plan in **Schedule 2** (Bruce Highway Intersection Works).

Public Office has the meaning given in the *Local Government Act 1993*.

Queensland Rail means the government owned corporation accredited under the *Transport Infrastructure Act 1994* as a railway manager and includes its predecessors, successors, transferees and assigns.

Queensland Rail Appeal means Planning and Environment Court Appeal No. 24 of 2005 filed in the Townsville Registry of the Planning and Environment Court on 4 February 2005, the parties to which are:

- (a) Queensland Rail as Appellant; and
- (b) Thuringowa City Council as Respondent; and
- (c) Stockland Development Pty Ltd (ABN 71 000 064 835) as First Co-Respondent; and
- (d) State of Queensland (acting through the Department of Main Roads) as Second Co-Respondent.

Queensland Transport Appeal means Planning and Environment Court Appeal No. 20 of 2005 filed in the Townsville Registry of the Planning and Environment Court on 4 February 2005, the parties to which are:

- (a) State of Queensland (acting through Queensland Transport) as Appellant; and

- (b) Thuringowa City Council as Respondent; and
- (c) Stockland Development Pty Ltd (ABN 71 000 064 835) as First Co-Respondent; and
- (d) State of Queensland (acting through the Department of Main Roads) as Second Co-Respondent.

Railway has the meaning given in the *Transport Infrastructure Act 1994*.

Railway Crossing has the meaning given in the *Transport Infrastructure Act 1994*.

Reconfiguring a Lot has the meaning given in the Act and **Reconfiguring** has the corresponding meaning.

Residential Planning Area means the Residential Planning Area specified in Map 1 (Structure Plan) in the Plan of Development.

Road has the meaning given in the *Transport Infrastructure Act 1994* and includes Local Government Roads and State Controlled Roads.

Road Hierarchy Plan means Figure 3.1 (Road Hierarchy) of the *Stockton Gardens Transportation Systems* prepared by Eppell Olsen & Partners dated May 2003, which was included as Attachment D to the Development Application.

Road Transport Infrastructure has the meaning given in the *Transport Infrastructure Act 1994*.

Sell includes transfer, dispose of and alienate and **Sale** has the corresponding meaning.

State Controlled Road has the meaning given in the *Transport Infrastructure Act 1994*.

Stockland means the person described in and having its address at the place described in item 4 and includes:

- (a) successors and permitted assigns in the case of a corporation, association or other body whether incorporated or not; and
- (b) executors, administrators and permitted assigns in the case of a natural person.

Stockland Appeal means Planning and Environment Court Appeal No. D2 of 2005 filed in the Townsville Registry of the Planning and Environment Court on 6 January 2005, the parties to which are:

- (a) Stockland Development Pty Ltd (ABN 71 000 064 835) as Appellant; and
- (b) Thuringowa City Council as Respondent; and
- (c) State of Queensland (acting through the Department of Main Roads) as Co-Respondent; and
- (d) State of Queensland (acting through Queensland Transport) as First Co-Respondent; and

- (e) Patrick & Hansen Pty Ltd (ABN 83 010 883 708) as Second Co-Respondent; and
- (f) Queensland Rail as Third Co-Respondent; and
- (g) Townsville City Council as Fourth Co-Respondent; and
- (h) Rangewood Developments Pty Ltd (ACN 010 493 919), North Queensland Soft Drinks Pty Ltd (ACN 010 025 582), Rita Agnus Partlett and Lancashire General Investment Company Limited as Fifth Co-Respondent.

Structure has the meaning given in the Act.

Structure Plan means the Structure Plan that forms Map 1 (Structure Plan) of the Plan of Development.

Townsville Appeal means Planning and Environment Court Appeal No. D58 of 2005 filed in the Townsville Registry of the Planning and Environment Court on 15 March 2005, the parties to which are:

- (a) Townsville City Council as the Appellant; and
- (b) Thuringowa City Council as the Respondent; and
- (c) Stockland Development Pty Ltd (ABN 71 000 064 835) as the First Co-Respondent; and
- (d) State of Queensland (acting through Queensland Transport) as the Second Co-Respondent; and
- (e) State of Queensland (acting through the Department of Main Roads) as the Third Co-Respondent by Election.

Transport Infrastructure has the meaning given in the *Transport Infrastructure Act 1994*.

Use has the meaning given in the Act.

Works means the activities which Stockland is obliged to Do pursuant to this document and any activities Done or to be Done by Main Roads the cost of which is pursuant to this document payable by Stockland.

Works Contribution see **clause 7.1** (Stockland's Works Contribution).

1.5 Other expressions

If a term is not defined in this document it will unless the context otherwise requires, have the meaning given to it by:

- (a) the Act; or
- (b) the Macquarie Dictionary (4th Edition) in the absence of a definition in the Act.

2 Infrastructure agreement

2.1 Application of Act

This document is intended to constitute an Infrastructure Agreement under the Act.

2.2 Non-derogation

Nothing contained in this document affects, prejudices or derogates from the requirements of any statute or from the exercise of rights, powers and authorities under the provisions of any statute.

2.3 Document to bind successors in title

It is the intention of the parties that the obligations of Stockland under this document will attach to the Land and be binding on the Owner of the Land and the Owner's successors in title in accordance with section 5.2.5 (When infrastructure agreements bind successors in title) of the Act.

2.4 Precondition

- (a) This document is conditional on Stockland providing to Main Roads an agreement in accordance with **clause 7.2(a)** (Transport Infrastructure Networks) (*Precondition*).
- (b) Stockland must use its best endeavours to ensure that the Precondition is satisfied.
- (c) Stockland and Main Roads may give a Notice to the other party stating that this document is at an end, if Stockland does not satisfy the Precondition by the date specified or as otherwise agreed in writing by the parties.
- (d) This document is at an end with no party having any claim against the other if a party gives a Notice pursuant to **clause 2.4 (c)** (Precondition).

3 General obligations of parties

3.1 Stockland's obligations

Stockland must in respect of the Proposed Development make contributions in respect of Road Transport Infrastructure in accordance with this document.

3.2 Main Roads obligations

Main Roads must not require Stockland to make, in respect of the Proposed Development, a contribution in respect of Road Transport Infrastructure unless the contribution is provided for in this document or any agreed variation of this document.

4 GST

4.1 Construction

In this **clause 4**:

- (a) words and expressions which are not defined in this document but which have a defined meaning in GST Law have the same meaning as in the GST Law; and
- (b) **GST Law** has the same meaning given to that expression in the A New Tax System (Goods and Services Tax) Act 1999.

4.2 Consideration GST exclusive

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this document are exclusive of GST.

4.3 Payment of GST

If GST is payable by a supplier or by the representative member for a GST group of which the supplier is a member, on any supply made under this document, the recipient will pay to the supplier an amount equal to the GST payable on the supply.

4.4 Timing of GST payment

The recipient will pay the amount referred to in **clause 4.3** (Payment of GST) in addition to and at the same time that the consideration for the supply is to be provided under this document.

4.5 Tax invoice

The supplier must deliver a tax invoice or an adjustment note to the recipient before the supplier is entitled to payment of an amount under **clause 4.3** (Payment of GST). The recipient can withhold payment of the amount until the supplier provides a tax invoice or an adjustment note, as appropriate.

4.6 Adjustment event

If an adjustment event arises in respect of a taxable supply made by a supplier under this document, the amount payable by the recipient under **clause 4.3** (Payment of GST) will be recalculated to reflect the adjustment event and a payment will be made by the recipient to the supplier or by the supplier to the recipient as the case requires.

4.7 Reimbursements

Where a party is required under this document to pay or reimburse an expense or outgoing of another party, the amount to be paid or reimbursed by the first party will be the sum of:

- (a) the amount of the expense or outgoing less any input tax credits in respect of the expense or outgoing to which the other party, or to which the representative member for a GST group of which the other party is a member, is entitled; and

- (b) if the payment or reimbursement is subject to GST, an amount equal to that GST.

5 Planning and Environment Court Appeals

5.1 Issues in Dispute

The parties acknowledge that this document sets out the terms of the agreement between Stockland and Main Roads to settle the Issues in Dispute.

5.2 Stockland Appeal and other appeals

- (a) Main Roads must, in respect of the Stockland Appeal and all other appeals to which Main Roads is a party, consent to a judgment or order of the Planning and Environment Court or other relevant court determining the Stockland Appeal and all other appeals if the judgment or order is consistent with the terms of this document.
- (b) Stockland must in respect of the Stockland Appeal consent to an order of the Planning and Environment Court or other relevant court determining that Main Roads may elect to be excused from participating in the substantive steps in the Stockland Appeal and compliance with all orders and directions made for the conduct of the Stockland Appeal, until such time as:
 - (i) the Stockland Appeal is allowed (if at all) and the parties are to formulate any conditions of approval; or
 - (ii) Main Roads is notified in writing that the submissions made by it are in dispute; or
 - (iii) there is an issue in dispute which impacts upon Road Transport Infrastructure.

6 Financial Contribution for Road Transport Infrastructure

6.1 Stockland's Financial Contribution

If the Development Approval takes effect, Stockland must in respect of the Proposed Development make a financial contribution being the provision of a monetary sum in respect of Road Transport Infrastructure as provided for in **clause 6** (Financial Contribution for Road Transport Infrastructure) (*Financial Contribution*).

6.2 Specification of the Financial Contribution

Stockland must in respect of the Proposed Development make the Financial Contribution which must be calculated in accordance with the following formula:

Infrastructure contribution = (Equivalent Tenement x Equivalent Tenement Amount) – Roadworks Credit

Where –

- Equivalent Tenement is the value specified in column 2 in respect of the Prescribed Development specified in column 1.

Column 1 Prescribed Development as specified in the Plan of Development	Column 2 Equivalent Tenement
Dwelling House.	1
Duplex.	1
Multiple Dwelling.	.6 per dwelling unit
Other residential uses.	As agreed by the parties or otherwise determined pursuant to clause 17 (Dispute resolution generally).

- Equivalent Tenement Amount is an amount of \$4882.80 indexed in accordance with the Road and Bridge Construction Index from the Commencement Date.
- Roadworks Credit is the total cost of the design and construction of the Bruce Highway Intersection Works pursuant to **clause 7** (Works Contributions for Transport Infrastructure), indexed in accordance with the Road and Bridge Construction Index from the date of issue of an Acceptance Notice.

6.3 Variation of the Financial Contribution

- (a) Stockland must in addition to the Financial Contribution made pursuant to **clause 6.2** (Specification of the Financial Contribution) make a further Financial Contribution which must be calculated in accordance with the following formula set out in this clause, if –
- (i) the Proposed Development is carried out such that the total number of Equivalent Tenements would be less than 4200 at the completion of the Proposed Development; and
 - (ii) Main Roads gives a Notice stating that it will carry out the network improvements specified in Table 4.3 (Network Improvements) in **Schedule 4** (Road Transport Infrastructure Contributions) notwithstanding that the total number of Equivalent Tenements would be less than 4200 at the completion of the Proposed Development.

$$\text{Further Financial Contribution} = (A - B) \times C$$

Where –

- A is 4200 Equivalent Tenements.

- B is the total number of Equivalent Tenements in respect of which Stockland has made a Financial Contribution pursuant to **clause 6.2** (Specification of the Financial Contribution).
 - C is the Equivalent Tenement Amount specified in the formula in **clause 6.2** (Specification of the Financial Contribution).
- (b) If the Proposed Development is carried out such that the total number of Equivalent Tenements at the completion of the Proposed Development would be more than 4620, Stockland must:
- (i) at least 90 Calendar Days prior to the lodgement of a development application under the Act for a Prescribed Development which would exceed 4620 Equivalent Tenements, give a Notice to Main Roads stating that the total number of Equivalent Tenements will exceed 4620; and
 - (ii) submit with the development application under the Act for a Prescribed Development which would exceed 4620 Equivalent Tenements, an assessment report which must:
 - (A) be prepared by a Registered Professional Engineer Queensland (REPQ) (**traffic engineer**) agreed by the parties prior to Stockland engaging the traffic engineer to prepare the assessment report; and
 - (B) determine the growth and traffic generation rates for both the site of the Prescribed Development and surrounding areas by direct observation in accordance with *Austroad's Guide to Traffic Engineering Practice* relevant at the time the assessment report is prepared; and
 - (iii) make the Financial Contribution in respect of the Prescribed Development which would exceed 4620 Equivalent Tenements, in accordance with **clause 6.3(d)** (Variation of the Financial Contribution).
- (c) If the Proposed Development is carried out such that the Proposed Development involves a change in the mix of uses specified in Table 4.1 (Summary of Land Uses) in **Schedule 4** (Road Transport Infrastructure Contributions) that would be likely to have a collective impact of greater than plus or minus ten percent on the 2028 Traffic Volume Forecasts for the Waterway Gardens District Centre Use as specified in Table 4.2 (Waterway Gardens Cost Summary for 2028 Traffic Usage Self, Code and Impact Assessable including Shaw Road) in **Schedule 4** (Road Transport Infrastructure Contributions), Stockland must:
- (i) at least 90 Calendar Days prior to the lodgement of the development application which proposes a change in the mix of uses specified in Table 4.1 (Summary of Land Uses) under the Act for Development, give a Notice to Main Roads of the proposed changes; and

- (ii) submit with the development application under the Act for Development, an assessment report which must:
 - (A) be prepared by a Registered Professional Engineer Queensland (REPQ) (**traffic engineer**) agreed by the parties prior to Stockland engaging the traffic engineer to prepare the assessment report; and
 - (B) determine the growth and traffic generation rates for both the site of the Development and surrounding areas by direct observation in accordance with *Austroad's Guide to Traffic Engineering Practice* relevant at the time the assessment report is prepared; and
- (iii) make the Financial Contribution in respect of the Development in accordance with **clause 6.3(d)** (Variation of the Financial Contribution) and **clause 6.4** (Timing of the Financial Contributions).
- (d) For the purposes of **clause 6.3(b)(iii)** and **clause 6.3(c)(iii)** (Variation of the Financial Contribution), the Financial Contribution must be determined:
 - (i) by the parties pursuant to the Act by:
 - (A) reference to the infrastructure charges schedule prepared by the Council under the Act; or
 - (B) conditions imposed on the approval of the Development under the Act; or
 - (C) amendments to this document or another document which is an Infrastructure Agreement under the Act; or
 - (ii) in accordance with **clause 17** (Dispute resolution generally).

6.4 Timing for the provision of the Financial Contribution

The Financial Contribution must be provided to Main Roads in respect of:

- (a) a Prescribed Development which is:
 - (i) a dwelling house, prior to the approval by the Council of the Plan of Subdivision creating the Lot on which the Material Change of Use for a dwelling house is to occur or such other time agreed in writing by the parties; and
 - (ii) not a dwelling house, prior to the issue under the Act of a development permit for building work in respect of the Prescribed Development or such other time agreed in writing by the parties; and
- (b) Development, other than Prescribed Development, prior to the time being:
 - (i) in the case of a Development, which is a Material Change of Use, the issue of the certificate of classification under the *Standard*

Building Regulation 1993 or such other time agreed in writing by the parties; and

- (ii) in the case of a Development, which is a Reconfiguring a Lot, the approval by the Council of the Plan of Subdivision or such other time agreed in writing by the parties.

6.5 Provision of copy of Precinct Plan to Main Roads

Stockland must provide to the District Director (Northern) in the Townsville Office of Main Roads a copy of any Precinct Plan or any proposed amendment to a Precinct Plan intended to be submitted to Council as part of a Future Development Application for Reconfiguring a Lot in a Precinct Plan Area contemporaneously with the lodgement of such Precinct Plan with Council.

7 Works contribution for Road Transport Infrastructure

7.1 Stockland's Works Contribution

Stockland must in respect of the Proposed Development make a works contribution being the carrying out of works in respect of Road Transport Infrastructure (***Works Contribution***) as provided for in **clause 7** (Works contribution for Road Transport Infrastructure) if:

- (a) the Development Approval takes effect; and
- (b) all necessary approvals in respect of the Bruce Highway Intersection Works takes effect.

7.2 Transport Infrastructure networks

- (a) Stockland must, within 12 months of the Commencement Date or such other time agreed in writing by Stockland and Main Roads, provide to Main Roads evidence of an agreement between the Council and Stockland:
 - (i) for the design and construction including land transfer, of a traffic distributor from the Bruce Highway to the north-western boundary of the Land as specified in the Road Hierarchy Plan (***traffic distributor***); and
 - (ii) that requires that the traffic distributor be specified as a priority item in the Council's priority infrastructure plan in respect of road transport infrastructure under the Act; and
 - (iii) that requires the completion of construction, including land transfer, of the traffic distributor in accordance with the timing specified in the Council's priority infrastructure plan in respect of road transport infrastructure under the Act.
- (b) Stockland must, within 12 months of the Commencement Date or such other time agreed in writing by Stockland and Main Roads, provide to

Main Roads evidence of an agreement between the Council and Stockland:

- (i) for the design and construction including land transfer, of a road on an east/west orientation connecting point 3 to point 12 via points 10, 11 and 11.6 generally shown on drawing 9580/06-06 between Garland Road and the traffic distributor specified in Schedule 5 (Garland link road) (**Garland link road**); and
 - (ii) that requires that the Garland link road be specified as a priority item in the Council's priority infrastructure plan in respect of road transport infrastructure under the Act; and
 - (iii) that provides for the completion of construction, including land transfer, of the Garland link road.
- (c) Stockland must ensure that the agreement between the Council and Stockland referred to in paragraphs (a) and (b) contains an acknowledgement by Council of the importance of the traffic distributor and the Garland link road in the viable operation of the local road network and adjacent State Controlled Road network.
- (d) Stockland must provide to Main Roads a copy of the agreement between the Council and Stockland referred to in paragraphs (a) and (b) within 28 days of the date of that agreement or such other time agreed in writing by the parties.

7.3 Application for Main Roads Approval in respect of the State Controlled Roads

- (a) Stockland must apply for a Main Roads Approval, prior to the carrying out of:
- (i) Works in respect of a State Controlled Road such as the construction of the Bruce Highway Intersection Works; and
 - (ii) other activities on a State Controlled Road in relation to the Proposed Development such as services, entry statements, landscaping or other items constructed by Stockland.
- (b) Stockland must submit with the application for a Main Roads Approval, design plans for the Bruce Highway Intersection Works that provide for the safe and efficient operation of the State Controlled Road network which enables vehicles, bicycles and pedestrians to ingress and egress the Land and the Proposed Development from the Bruce Highway.

7.4 Assessment of application for Main Roads' Approval of Bruce Highway Intersection Works

Main Roads must, to the extent permitted by law, facilitate the construction of the Bruce Highway Intersection Works by:

- (a) reviewing the design plans for the Bruce Highway Intersection Works as soon as is reasonably practicable after the design plans and all necessary information are given to Main Roads; and

- (b) considering the application by Stockland for a Main Roads Approval in relation to the carrying out of the Bruce Highway Intersection Works.

7.5 Construction of the Bruce Highway Intersection Works

Stockland must, prior to the approval of the Plan of Subdivision for Stage One (1) of the first residential precinct of the Residential Planning Area or such other time agreed in writing by Stockland and Main Roads, construct the Bruce Highway Intersection Works in accordance with the Main Roads Approval.

7.6 Main Roads' obligations

Main Roads must:

- (a) ensure the safe and efficient operation of the State Controlled Road network which enables vehicles, bicycles and pedestrians to ingress and egress the Land and the Proposed Development from the Bruce Highway;
- (b) effectively plan and efficiently manage the adjacent State Controlled Road network in accordance with the Main Roads' planning policies in respect of Transport Infrastructure; and
- (c) carry out the network improvements specified in Table 4.3 (Network Improvements) in **Schedule 4** (Road Transport Infrastructure Contributions) including all land acquisitions necessary to carry out the network improvements.

8 Land contribution for Road Transport Infrastructure

8.1 Stockland's Land Contribution

Stockland must in respect of the Proposed Development make a land contribution at no cost to Main Roads being the provision of land in respect of Road Transport Infrastructure as provided for in **clause 8** (Land contribution for Road Transport Infrastructure) (**Land Contribution**), if—

- (a) the Development Approval takes effect; and
- (b) all necessary approvals in respect of the Bruce Highway Intersection Works takes effect.

8.2 Specification of Land Contribution

- (a) Stockland's obligations under **clause 8.2** (Specification of Land Contribution) arises where the Main Roads gives to Stockland a Notice (**Land Transfer Notice**) that:
 - (i) identifies that part of the Land of which Stockland is the Owner (**Future Road Corridor**) which—
 - (A) adjoins the Bruce Highway Intersection Works that is required for the upgrading of the Bruce Highway Intersection Works including the future grade separated interchange; and

- (B) is generally in accordance with Schedule 2 (Bruce Highway Intersection Works); and
- (ii) requires that Stockland transfer the Future Road Corridor to Main Roads; and
- (iii) states that the construction of the future grade separated interchange is to occur within 2 years.
- (b) Stockland must, within 12 months of being given the Land Transfer Notice, transfer to Main Roads at no cost to Main Roads, the Future Road Corridor free of encumbrances.
- (c) Stockland must, prior to the transfer of the Future Road Corridor to Main Roads pursuant to **clause 8.2(b)** (Specification of Land Contribution) remove or relocate services, entry statements, landscaping or other items constructed by Stockland within the Future Road Corridor that are:
 - (i) not required for the upgrading of the Bruce Highway Intersection Works including the future interchange; and
 - (ii) inconsistent with the upgrading of the Bruce Highway Intersection Works including the future interchange.

8.3 Main Roads' obligations

- (a) Main Roads must:
 - (i) not object to an application by Queensland Transport to close the Proposed Road Closure Area; and
 - (ii) not object to Queensland Transport dealing with the Proposed Road Closure Area pursuant to section 240 (Lease of land to railway managers) of the *Transport Infrastructure Act 1994*; and
 - (iii) not object to the creation as road of that part of the Rail Corridor Land that is required for the Bruce Highway Intersection Works referred to as "New Road Reserve – from QR Land" in **Schedule 2** (Bruce Highway Intersection Works); and
 - (iv) not object to an application by Stockland to close existing roads within the Land as shown on the plan in **Schedule 3** (Proposed Road Closures).
- (b) For the avoidance of doubt, nothing in **clause 8.3(a)** (Main Roads' obligations) requires Main Roads to close, transfer or divest Main Roads' interest in any or part of a State Controlled Road.
- (c) Main Roads acknowledges that the tenure arrangements in respect of the Bruce Highway Intersection Works may not have been completed at the time Stockland commences construction of:
 - (i) the Bruce Highway Intersection Works;
 - (ii) the Protected Rail Crossing; or
 - (iii) the Proposed Development.

- (d) Main Roads must not require Stockland to delay construction of the Bruce Highway Intersection Works, the Protected Rail Crossing or the Proposed Development if the tenure arrangements in respect of the Bruce Highway Intersection Works have not been completed at the time of construction of the Bruce Highway Intersection Works, the Protected Rail Crossing or the Proposed Development.

9 Operation of a Road over a Railway

9.1 Stockland's obligations

Stockland must if the Proposed Road Closure Area has been closed and dealt with pursuant to section 240 (Lease of land to railway managers) of the *Transport Infrastructure Act 1994*, support the operation of Burdell Road over the resulting Rail Corridor Land by:

- (a) the Council under section 253 of the *Transport Infrastructure Act 1994*; or
- (b) Main Roads under section 26 of the *Transport Infrastructure Act 1994*.

9.2 Main Roads' obligations

Main Roads must, if the Proposed Road Closure Area has been closed and dealt with pursuant to section 240 (Lease of land to railway managers) of the *Transport Infrastructure Act 1994*, support the operation of Burdell Road over the resulting Rail Corridor Land by:

- (a) the Council under section 253 of the *Transport Infrastructure Act 1994*; or
- (b) Main Roads under section 26 of the *Transport Infrastructure Act 1994*.

10 Protection of Road Transport Infrastructure from reverse amenity impacts

10.1 Incorporation of Noise Immission Standards with the Precinct Plan applications

Stockland must comply with Main Roads' Road Traffic Noise Management: Code of Practice and incorporate the Noise Management Code of Practice Standards in all Precinct Plans submitted with a Future Development Application for Reconfiguring a Lot in respect of a Precinct Plan Area which abuts a State Controlled Road.

10.2 Submission of Future Development Applications to Main Roads

Stockland must give to Main Roads a copy of any Future Development Application submitted to the Council in respect of a Precinct Plan Area which abuts a State Controlled Road contemporaneously with its submission to the Council.

10.3 Acoustic report

- (a) Stockland must provide with every Future Development Application within a Precinct Plan Area which is to be assessed against an approved Precinct Plan abutting a State Controlled Road, an acoustic report prepared by a qualified acoustic consultant specifying:
 - (i) that Main Roads' Road Traffic Noise Management: Code of Practice is complied with; or
 - (ii) where Main Roads' Road Traffic Noise Management: Code of Practice is not complied with, the Noise Amelioration Measures that are required to be implemented to ensure compliance with Main Roads' Road Traffic Noise Management: Code of Practice.
- (b) For the avoidance of doubt, the standard to be adopted is that set out in Main Roads' Road Traffic Noise Management: Code of Practice current at the time a Future Development Application within a Precinct Plan Area abutting a State Controlled Road is submitted.

10.4 Construction of Noise Amelioration Measures

Stockland must construct at its cost the Noise Amelioration Measures specified in the Future Development Approval in respect of the Future Development Application prior to the time being in the case of a Development which is:

- (a) a Material Change of Use, the issue of a certificate of classification under the *Standard Building Regulation 1993* or such other time agreed in writing by the parties; or
- (b) a Reconfiguring a Lot, the approval by the Council of the Plan of Subdivision or such other time agreed in writing by the parties.

11 Events affecting the operation of the document

11.1 Termination of document

This document terminates where:

- (a) either:
 - (i) the Development Approval has not taken effect under the Act; or
 - (ii) the Proposed Development has been completed; and
- (b) Stockland gives a Notice to Main Roads stating that an event specified in **paragraph (a)** has occurred and that Stockland proposes to terminate this document; and
- (c) at a date which is fourteen (14) days after the giving of the Notice specified in **paragraph (b)** Stockland gives a Notice to Main Roads terminating this document.

11.2 Partial Development Approval

- (a) If as a result of the Appeals the Planning and Environment Court or other relevant Court approves the Proposed Development in part only, the

obligations of Stockland and Main Roads under this document are varied so that Stockland and Main Roads are only bound to observe and carry out their obligations so far as and to the extent to which they relate, apply or pertain to or are capable of relating, applying or pertaining to that part of the Land or that part of the Proposed Development which has been approved by the Planning and Environment Court or other relevant Court.

- (b) If Stockland's obligations are varied pursuant to **clause 11.2(a)** (Partial Development Approval), the other provisions of this document remain in full force and effect and with all necessary adaptations and modifications and continue to apply as though that part of the Land or that part of the Proposed Development for which approval was given by the Planning and Environment Court or other relevant Court was originally specified in this document as the Land and the Proposed Development.

12 Default by Stockland

12.1 Notice of default

In the event that Main Roads considers Stockland has failed to duly perform and fulfil an obligation under this document, Main Roads may give Notice in writing to Stockland giving particulars of the matter in respect of which it considers default has occurred and requiring the default to be remedied within twenty-one (21) days (**Default Notice**).

12.2 Rights of Main Roads on default

If the default identified in a Default Notice remains unremedied at the expiration of a period of twenty-one (21) days and Stockland has not issued a Dispute Notice, Main Roads may without limiting any other remedy available to Main Roads at law or in equity, recover from Stockland as a liquidated debt the following amounts:

- (a) the whole amount of the payments or contributions (if any) not paid by Stockland; and
- (b) such sum as the Chief Executive or Authorised Person certifies as representing the fair estimated costs of completing any Works not Done or completed by Stockland which cost will include:
 - (i) Main Roads' charge for supervision; and
 - (ii) interest; and
 - (iii) administration costs; and
 - (iv) legal costs on a solicitor and own client basis; and
 - (v) overheads; and
 - (vi) GST (if applicable); and
 - (vii) such reasonable contingency sum as the Chief Executive or Authorised Person determines in their absolute discretion.

12.3 Application of money

Main Roads may apply any sum recovered or received by it pursuant to **clause 12.2** (Rights of Main Roads on default) as far as the sum may extend to or towards all or any one or more of the following:

- (a) reduction or discharge of the payments or contributions (if any) payable by Stockland under this document; and
- (b) carry out any Works not Done or completed by Stockland within such reasonable time as may be determined by Main Roads, as the case may be; and
- (c) alter, amend or rectify any improperly completed, partly completed or Works Done or undertaken by Stockland; and
- (d) carry out, whether inside or outside or partly inside or partly outside the perimeter of the Land, such other Development (including any addition or extension to the Works) or activity as Main Roads reasonably considers necessary to:
 - (i) mitigate the effects of any incomplete, improperly completed or partly completed Works; or
 - (ii) make such incomplete, improperly completed or partly completed Works in the opinion of Main Roads more useful or effective; and
- (e) reimbursing itself for any damages suffered by it.

12.4 Right to carry out Works

If the default identified in a Default Notice remains unremedied at the expiration of twenty-one (21) days and Stockland has not issued a Dispute Notice, Main Roads may, without limiting any entitlement to claim damages:

- (a) carry out any Works not Done or completed by Stockland within such reasonable time as may be determined by Main Roads, as the case may be; and
- (b) alter or amend any improperly completed or partly completed Works Done or undertaken by Stockland; and
- (c) carry out, whether inside or outside or partly inside or partly outside the perimeter of the Land, such other Development (including any addition or extension to the Works) or activity as Main Roads reasonably considers necessary to:
 - (i) mitigate the effects of any incomplete, improperly completed or partly completed Works; or
 - (ii) make such incomplete, improperly completed or partly completed Works in the opinion of Main Roads more useful or effective; and
- (d) complete the carrying out, altering or amending of the Works in accordance with the requirements of this document; and

- (e) recover the difference between the costs actually incurred by it in so doing and the sum received or recovered by it pursuant to **clause 12.2** (Rights of Main Roads on default) from Stockland as a liquidated debt.

12.5 Power of entry

For the purposes of exercising their rights under clause 12 (Default by Stockland), Main Roads and its authorised agents, may enter upon the Land with all necessary vehicles, plant, equipment and the like.

13 Stockland's obligations to subsist

13.1 Stockland's obligations to subsist

The obligations of Stockland under this document continue and remain in force and effect unless and until:

- (a) **clause 14** (Novation of document upon Sale) is satisfied even though Stockland ceases to be the Owner of the Land; or
- (b) Main Roads is satisfied that Stockland has performed and fulfilled its obligations under this document and has delivered to Stockland a written release and discharge in accordance with **clause 13.2** (Completion of obligations).

13.2 Completion of obligations

When Stockland considers that it has performed and fulfilled its obligations under this document:

- (a) it may give Notice in writing to Main Roads that it has performed and fulfilled its obligations under this document; and
- (b) if Main Roads is satisfied that Stockland has performed and fulfilled its obligations under this document, Main Roads must deliver to Stockland a written release and discharge of Stockland.

14 Novation of document upon Sale

14.1 Restriction on the right to Sell the Land

Subject to **clause 14.3** (Restriction not to apply to subdivided Lots), Stockland must not Sell the Land or any part of the Land prior to the performance and fulfilment of Stockland's obligations under this document except subject to the condition that the purchaser must:

- (a) enter into a deed of novation of this document with Main Roads, whereby the purchaser becomes contractually bound to Main Roads to perform and fulfil the provisions of this document or such of them as remain unperformed or unfulfilled by Stockland at the time of such Sale; and
- (b) demonstrate to the reasonable satisfaction of Main Roads that the purchaser is financially capable of fulfilling Stockland's obligations under

this document in respect of that part of the Land to which the Sale relates.

14.2 Stockland to remain liable

In the event of a Sale being made otherwise than in compliance with **clause 14.1** (Restriction on the right to Sell the Land), Stockland must perform and fulfil such of its obligations under this document as have not been performed and fulfilled immediately or at such other time or times as Main Roads stipulates, even if the time or times otherwise appointed for such performance and fulfilment have not then arrived.

14.3 Restriction not to apply to subdivided Lots

- (a) Without limiting any obligations which may have been transferred in accordance with **clause 14.1** (Restriction on the right to Sell the Land), when the Council seals a Plan of Subdivision, Lots, other than undeveloped Lots, created by that Plan of Subdivision are to be taken to be free of any obligations under this document including any obligation of the Owner of the Land arising under the Act.
- (b) For the sake of clarity, **clause 14.3(a)** (Restriction not to apply to subdivided Lots) does not relieve a purchaser of a Lot from the obligation to comply with the Act and a local planning instrument under the Act.

15 Assignment by Stockland

15.1 Restriction on assignment

Stockland must not, either absolutely or by way of security, assign its interests, rights or obligations under this document without the prior consent of Main Roads in writing signed by the Chief Executive and the Authorised Person.

15.2 Restriction on the right to refuse

Main Roads must not unreasonably withhold its consent to the assignment.

15.3 Conditions of the consent

Main Roads may impose conditions for the giving of such consent which are not inconsistent with the provisions of this document.

16 Performance of Works

16.1 Submission of designs and specifications

All designs and specifications for those Works which Stockland is obliged to undertake, carry out, provide or do under or by virtue of this document must be prepared by Stockland at its own cost, certified by a suitably qualified Registered Practising Engineer Queensland and submitted to Main Roads for approval and, when necessary, to any other Authority.

16.2 No acknowledgement of agent

- (a) Any Works undertaken by Stockland under this document on a State Controlled Road are taken to be on behalf of the State within the meaning of Part 1 Schedule 8 of the Act with the consequence that such Works are exempt development under the Act.
- (b) This clause does not constitute Stockland as an agent for Main Roads nor relieve Stockland from obtaining the required approval for Works on a State Controlled Road.

16.3 Works to comply

The Works must be Done in accordance with the requirements, and to the reasonable satisfaction, of Main Roads and any other Authority.

16.4 Requirement to obtain approvals

Stockland must:

- (a) apply for and obtain any necessary approval for the doing of the Works from any other Authority; and
- (b) not commence the Works until it has obtained the approval in each instance.

17 Dispute resolution generally

17.1 Application of clause

This clause will apply to any dispute between the parties in connection with this document.

17.2 Notification of dispute

Any dispute as to the performance of this document or arising out of this document that cannot be resolved by agreement between the parties must be clearly identified in a Dispute Notice served by one party on the other parties.

17.3 Discussion of dispute

Within five (5) days of the date of the Dispute Notice, the parties must meet to discuss the dispute and its possible determination.

17.4 Agreement to mediate

The parties may, within seven (7) days of meeting in accordance with **clause 17.3** (Discussion of dispute), agree to refer the dispute to mediation.

17.5 Appointment of mediator

If the parties agree to mediate in accordance with **clause 17.4** (Agreement to mediate), then the parties may either:

- (a) appoint a mediator agreed by the parties; or
- (b) where the parties fail to agree to the appointment of a mediator within the period referred to in **clause 17.4** (Agreement to mediate), request the

President for the time being of the Queensland Law Society Incorporated to nominate a mediator which the parties must then appoint as the mediator.

17.6 Costs of mediator

The costs of any mediator appointed under **clause 17.5** (Appointment of mediator) (including the costs of appointment) must be borne equally by the parties.

17.7 Determination of dispute

- (a) Subject to **clause 17.11** (Unresolved disputes) if any dispute notified under **clause 17.2** (Notification of dispute) is not resolved:
 - (i) if the dispute was referred to mediation in accordance with **clause 17.4** (Agreement to mediate), within twenty (20) days from the date of the Dispute Notice; or
 - (ii) if the dispute was not referred to mediation in accordance with **clause 17.4** (Agreement to mediate), within fourteen (14) days of the date of the Dispute Notice,

the parties may agree, within a further three (3) days, to seek independent resolution by a determinator appointed by one of the institutes or associations listed in **clause 17.8** (Appointment of determinator).

- (b) The referral of the dispute to the determinator is not an arbitration and the *Commercial Arbitration Act 1990* will not apply.
- (c) If the parties cannot agree on the type of the appropriate determinator, the type of determinator will be nominated by the President for the time being of the Queensland Law Society Incorporated.

17.8 Appointment of determinator

Where any dispute is referred for determination under **clause 17.7** (Determination of dispute), the determinator must be appointed by one of the following institutes or associations as is appropriate in the circumstances:

- (a) if an architect – by the President for the time being of the Australian Institute of Architects, Queensland Chapter; or
- (b) if a real estate agent – by the Real Estate Institute of Queensland; or
- (c) if a quantity surveyor – by the President for the time being of the Institute of Quantity Surveyors, Queensland Division; or
- (d) if an engineer – by the President for the time being of the Institute of Engineers, Australia, Queensland Chapter; or
- (e) if a mediator – by the President for the time being of the Queensland Law Society Incorporated; or
- (f) if an accountant – by the President for the time being of the Institute of Chartered Accountants, Queensland Division; or

- (g) if an actuary – by the President for the time being of the Actuaries Institute of Australia, Queensland Division; or
- (h) if a valuer – by the President for the time being of the Australian Institute of Valuers and Land Economists, Queensland Division; or
- (i) if a town planner – by the President for the time being of the Planning Institute of Australia; or
- (j) if a lawyer – by the President for the time being of the Queensland Law Society Incorporated,

in each case being a person experienced in Development and in the matter the subject of the dispute.

17.9 Binding decision of determinator

The decision of a determinator on any dispute referred to under **clause 17.7** (Determination of dispute) is final and binding on the parties.

17.10 Costs of determinator

The costs of any determinator to which a dispute is referred under **clause 17.7** (Determination of dispute) are to be borne equally by the parties.

17.11 Unresolved disputes

If any dispute notified under **clause 17.2** (Notification of dispute) remains unresolved, then at any time between fourteen (14) to thirty-five (35) days (inclusive) after the date of a Dispute Notice, and whether before or after reference of a dispute to a determinator under **clause 17.7** (Determination of dispute), either party may:

- (a) institute proceedings in the appropriate court for determination of the dispute; or
- (b) advise the other party in writing that it will not be bound by the determinator's decision where that party is not entitled to institute proceedings.

17.12 Termination of involvement of determinator

Where a party has pursuant to **clause 17.11** (Unresolved disputes) instituted proceedings or advised the other party in writing that it will not be bound by the determinator's decision, the reference of the dispute to the determinator under **clause 17.7** (Determination of dispute) will be terminated and the dispute will be dealt with by the appropriate court or tribunal.

17.13 Non-objection to determinator

If the parties agree to have the dispute determined by the determinator, and where a party has not pursuant to **clause 17.11** (Unresolved disputes) instituted proceedings or advised the other party in writing that it will not be bound by the determinator's decision then the parties agree that the dispute will be finally determined by the determinator in accordance with this **clause 17** (Dispute resolution generally).

17.14 Parties may extend time

The parties may mutually agree in writing to extend any time period specified in this **clause 17** (Dispute resolution generally).

18 Service

18.1 Service by prepaid post

A Notice is sufficiently made, given or served by a party if left at or forwarded by prepaid post in an envelope addressed to the other parties or any of them (where there are more persons than one person comprising one or more of the other parties) at the address of that party specified in **Schedule 1** (Agreement Details).

18.2 Deemed service

A Notice if sent by prepaid post is deemed to have been made, given or served at the time when in the due course of the post it would be delivered at the address to which it is directed whether or not it is actually received.

18.3 Proof of service

In proving service of a Notice made, given or served by Main Roads it is only necessary for Main Roads to certify to that effect under the hand of the Chief Executive or Authorised Person.

18.4 Form of Notice

- (a) A Notice given by a party must be in writing and signed by the party.
- (b) A Notice given by a party may be signed by an officer of that party or the solicitor for that party.
- (c) A party receiving a Notice is not obliged to enquire as to the authority of the person signing the Notice.

19 Miscellaneous

19.1 Payment of costs

Each party must pay their own costs, charges and expenses of and incidental to the negotiation, preparation and execution of this document, all counterparts of it and any other document required under this document, provided that any stamp duty assessed in respect of this documents must be paid by Stockland.

19.2 Time

Time is, in all cases, of the essence.

19.3 Place for payment of monies

All monies payable to a party under this document are payable free from all deductions at the address of that party specified in **Schedule 1** (Agreement Details).

19.4 Waiver

No waiver by Main Roads of any breach by Stockland of any of the provisions of this document will be implied against Main Roads or be otherwise effective unless it is in writing.

19.5 Laches and delay

No laches or delay by Main Roads at any time or times in enforcing any of its rights, powers and the like under this document prejudice or affect those rights or powers.

19.6 Power of entry

- (a) Stockland will permit Main Roads and its authorised agents, at all times during the operation of this document to enter into and upon the Land for the purposes of:
 - (i) examining, inspecting, testing and monitoring:
 - (A) Works or preparation for any Works on the Land; and
 - (B) the site of any Works on the Land or on adjacent land; and
 - (ii) ascertaining whether the obligations of Stockland under this document have been duly performed and fulfilled; and
 - (iii) performing any Works which Main Roads has agreed to perform.
- (b) Main Roads indemnifies Stockland against all loss, damage, cost, expense, personal injury or debt suffered by any person in connection with the exercise by Main Roads or its respective authorised agents of the exercise of the rights granted under sub-clause (a).

19.7 Notice of entry

Main Roads must give Notice to Stockland at least twenty-eight (28) days before exercising their rights under **clause 19.6** (Power of entry) to enter upon the Land.

19.8 Severance

If any provision of this document cannot be given effect or full force and effect by reason of statutory invalidity that provision will be severed or read down but so as to maintain and uphold so far as possible the remaining provisions of this document.

19.9 Warranty of authority

Any person signing this document:

- (a) as attorney of any party warrants to the other parties that at the date of execution that person has not received any notice or information of the revocation of the power of attorney appointing that person; and
- (b) as an authorised officer, agent or trustee of any party warrants to the other parties that at the date of execution that person has full authority to execute this document in that capacity.

19.10 Further assurances

Each party agrees at its cost to do everything reasonably necessary to give effect to this document.

19.11 Force Majeure

- (a) If a party is unable by reason of an event of Force Majeure to carry out its obligations under this document, that party must give a Notice to the other party advising of the event of the Force Majeure as soon as it is reasonably practicable after the event of a Force Majeure.
- (b) If a party gives a Notice advising of an event of Force Majeure, that party's obligations will be suspended during the period for which the event of Force Majeure or its effect extends.
- (c) Where the obligations of a party are dependent upon the occurrence of specified circumstances, then that party will be relieved of its obligations for so long as there is a change or deviation or non-occurrence of those circumstances arising from a matter beyond the party's control.

19.12 Amendment of document

- (a) Despite any provision of this document, the parties may at any time agree to vary the terms of this document including the specifications or location of any works.
- (b) No modification, variation or amendment of this document is of any force or effect unless:
 - (i) it is in the form of an amendment document and has been signed by the parties; and
 - (ii) where relevant the amendment document complies with the requirements of the Act.

Schedule 1

Agreement Details

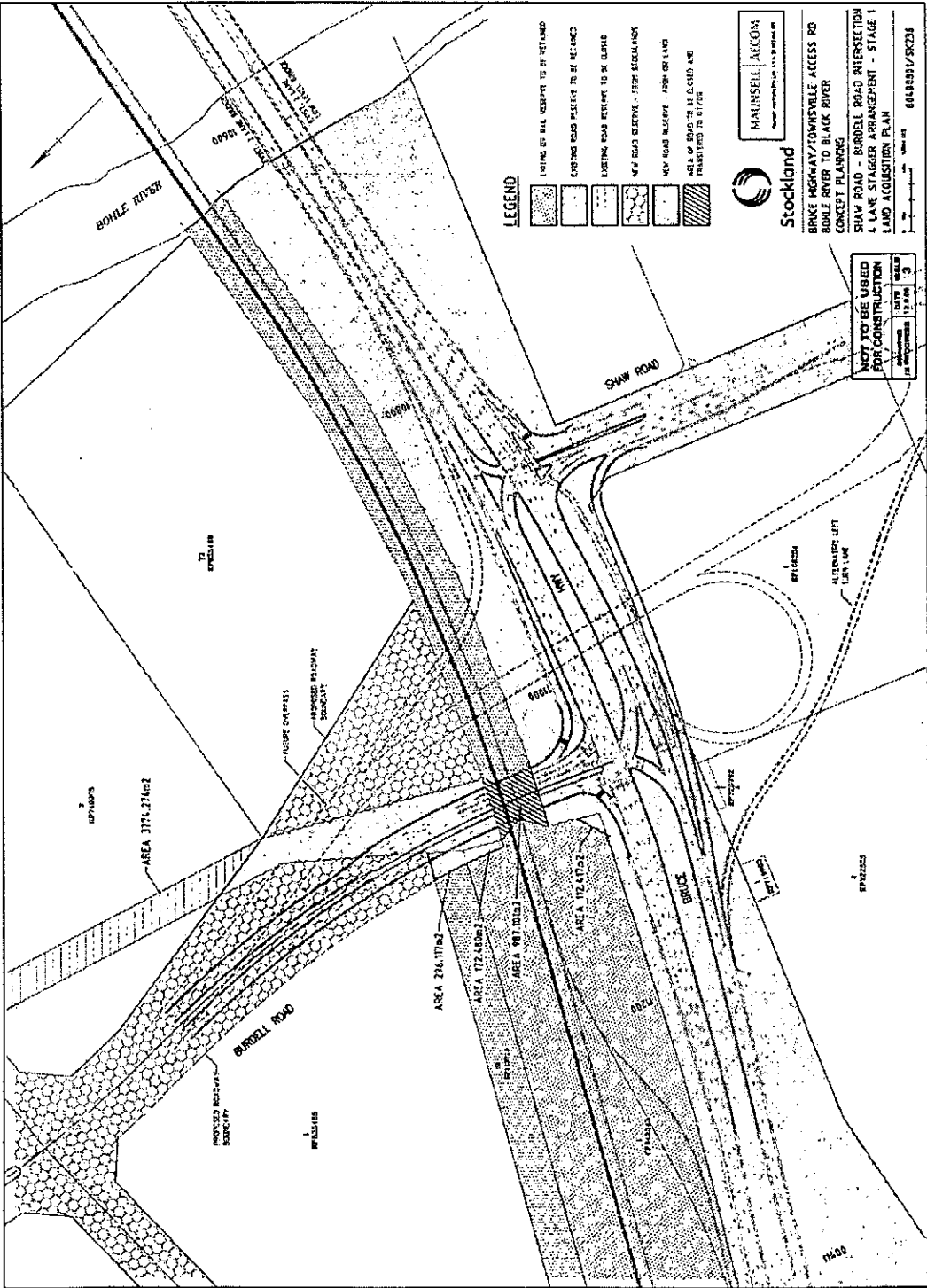
Item 1	Date	2006
Item 2	Name of Document	Road Transport Infrastructure Agreement in respect of Waterway Gardens
Item 3	State of Queensland acting through Main Roads	
	Name	C/- DEPT. MAIN ROADS
	Address	146 Wills Street, Townsville Qld 4810
Item 4	Stockland	
	Name (including ACN if a corporation)	STOCKLAND DEVELOPMENT PTY LTD ACN 000 064 835
	Address (or registered office if a corporation)	Level 4, 99 Melbourne Street, South Brisbane
Item 5	Land	
	Description	Lot 100 on SP 149317, Lot 94 on SP 143119, Lot 1 on RP 835468, Lot 2 on RP 740905, Lot 73 on EP 835469, Lot 2 on RP 708671 and includes areas of existing Road within the external boundaries of such land as aforesaid which are to be closed as Road and acquired by Stockland and developed as part of the Development Approval.
	County	Elphinstone.

Parish	Bohle.
Area	929 Hectares.
Title References	50462055; 50377179; 21489076; 21271093; 21520113; 20299071.
Address	Burdell Road, Garland Road, Faulkner Street, Griffey Street and other unnamed Roads, Burdell.

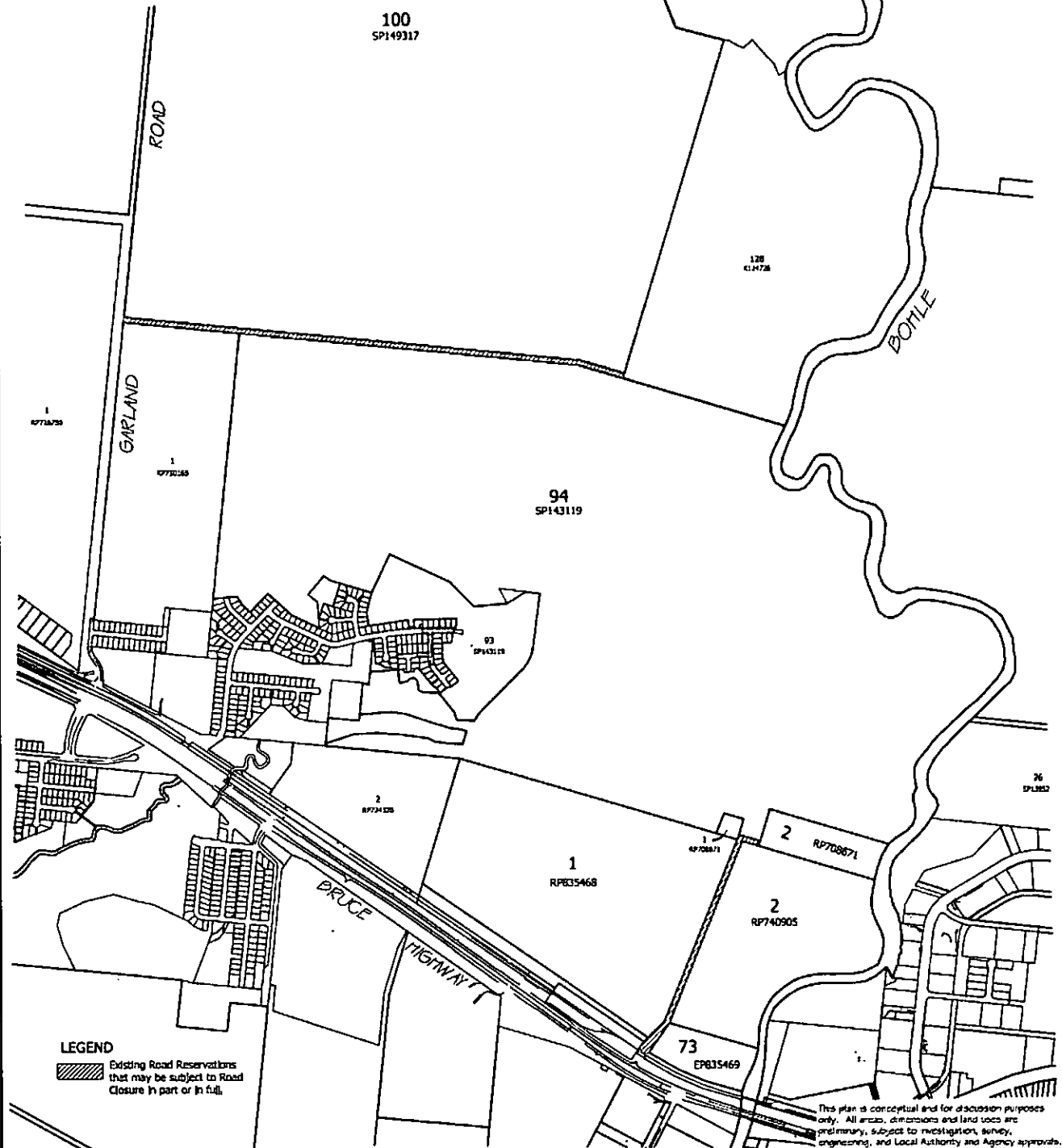
Item 6	Development Application	A development application for a preliminary approval pursuant to section 3.1.6 (Preliminary approval may override a local planning instrument) of the Act for a Material Change of Use for a variety of residential, commercial, open space and mixed use predominant land uses in accordance with a plan of development.
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Item 7	Development Approval	
	Approval Date	7 December 2004
	Description of Approval	Preliminary Approval subject to conditions for a Material Change of Use for uses in accordance with the Plan of Development for a master planned community comprising the Residential Planning Area, Commercial Planning Area and the Open Space Planning Area.

Schedule 2 – Bruce Highway Intersection
Works



Schedule 3 – Proposed Road Closures



Surveyed:	F.B:	Level Datum: A.H.D.	B.M.Used:	Search Packet
Drawn: JS	Disk No: 02/06	Comp. File: 25544_0638.dwg	Rec'd in D.B. by: JS	Date: 13/02/08
CLIENT: Stockland Development Pty Limited Project: Plan of Proposed Road Closures Parish: Bohle County: Eppingstone Local Authority: Thurragowa C.C. Orig Por				Approved Scale: 1:15000 @ A3 Job No: 25544/5-2 Date: 13th Feb, 2008 Sheet of Sheets: 8 Drawing No. 25544/63



brazier motti
surveying | town planning | project management | mapping and GIS
Brazier Mott Pty Ltd (ACN 068 411 041)
Townsville - 595 Flanders St, Townsville, Q. 4810
Phone: 07 4772 1144 Fax: 07 4772 2557
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OURDEKIN
Ph: 07-4763 5768
Fax: 07-4763 2450

Revision No.
Orig Issue

Schedule 4 – Road Transport Infrastructure Contributions

Table 4.1 – Summary of Land Uses

Planning Region	Land Use ⁽¹⁾	Proposed Total Yield	Self Assessable Development	Code Assessable Development	Impact Assessable Development
Commercial Planning Area	Offices	5,000sq.m GFA	0sq.m GFA	5,000sq.m GFA	0sq.m GFA
	Bulky Goods	25,000sq.m GLFA	0sq.m GLFA	25,000sq.m GLFA	0sq.m GLFA
	Department Stores	14,000sq.m GFA	0sq.m GFA	5,000sq.m GFA	35,000sq.m GFA
	Supermarkets	9,500sq.m GFA			
	Specialty Retail and Mini Majors	16,500sq.m GFA			
	Pool	1,000sq.m Site	0sq.m Site	1,000sq.m Site	0sq.m Site
	Tennis Court	4 Courts	0 Courts	4 Courts	0 Courts
Residential Planning Area	Detached Residential ⁽²⁾	4,200 Lots	4,200 Lots	0 Lots	0 Lots
	Medium Density Residential ⁽²⁾	0 Lots	0 Lots	0 Lots	0 Lots
	Private School	1,500 Students	0 Students	1,500 Students	0 Students
	Child Care Centre (2 x 75 student centres)	150 Students	0 Students	150 Students	0 Students
	Neighbourhood Retail (internal traffic only)	2,000sq.m GFA	0sq.m GFA	1,000sq.m GFA	1,000sq.m GFA
	Public School	600 Students	0 Students	600 Students	0 Students

(1) The entitlements in respect of uses other than "Detached Residential" may be aggregated across all the Planning Areas specified in the Plan of Development.

(2) The 4200 lots "Detached Residential" entitlement listed under the Residential Planning Area may be made up of detached or other residential uses (eg Medium Density Residential) within the Commercial Planning Area or the Residential Planning Area with the equivalencies referred to in **clause 5.2** (Specification of the Financial Contribution).

Table 4.2 - Waterway Gardens Cost Summary for 2028 Traffic Usage Self Code and Impact Assessable including Shaw Road

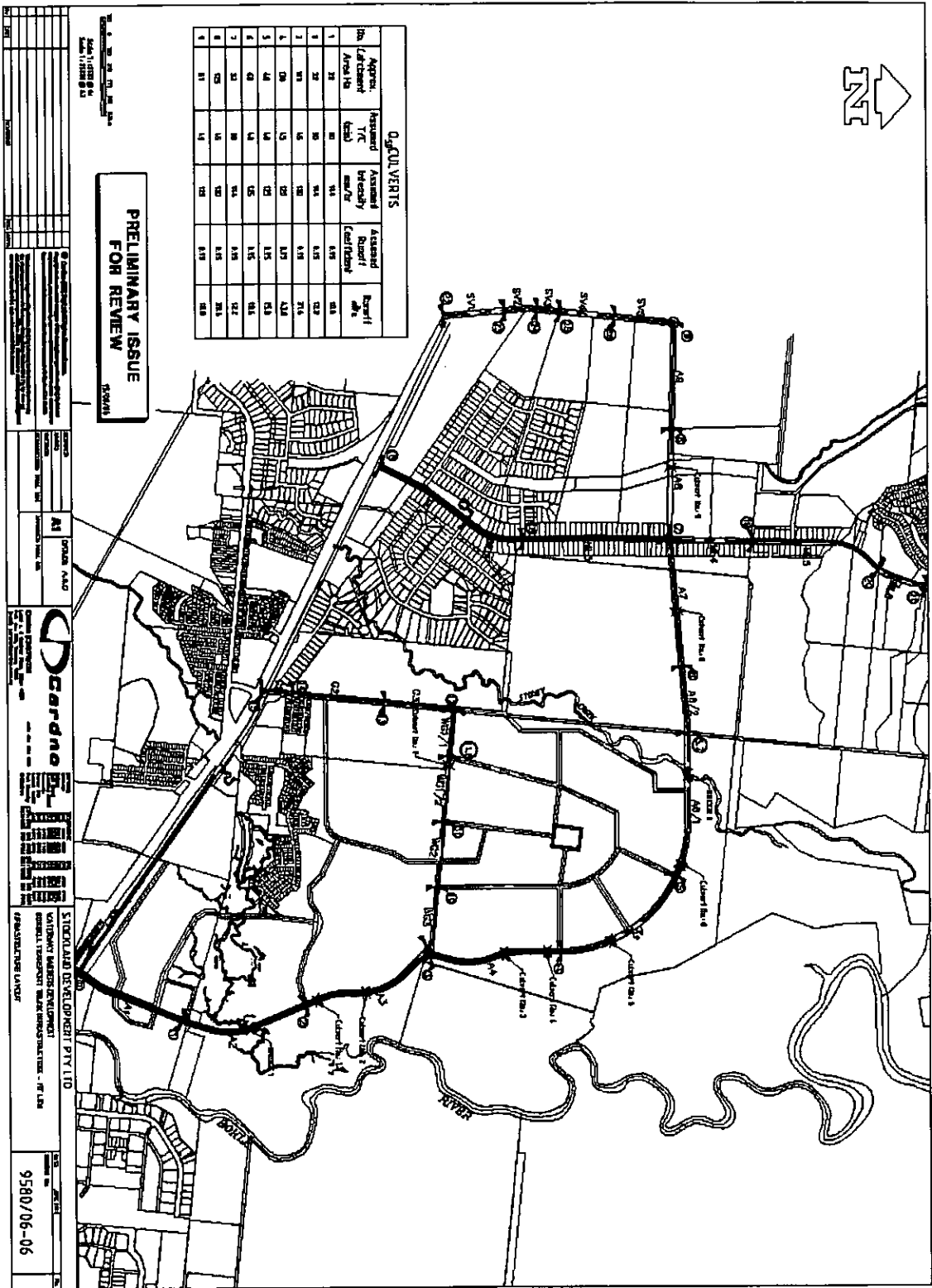
Location	Waterway Gardens Cost Summary for 2028 Traffic Usage Self, Code and Impact Assessable including Shaw Road									
	2028 Traffic Volume Forecasts				Relative Responsibilities			2025 Contributions		
	Waterway Gardens 4200 Residential Lots Usage (vpd)	Waterway Gardens District Centre Use (vpd)	Total Volume (vpd)	Waterway Gardens Lots	Waterway Gardens Centre	Other Users	Total	\$ Per Lot (4200 Lots)	\$ Per sq.m In Centre	\$ Per Lot (full development)
Bruce Hwy/Shaw Road Signalisation (Staggered Ts)	13,670	1,125	55,880	24%	2%	74%	\$3,412,446.00	\$195.33	\$0.95	\$211.41
Bruce Hwy/Shaw Road Interchange (Staggered Ts)	22,365	13,680	78,815	28%	17%	54%	\$15,461,724.00	\$1,044.94	\$37.80	\$1,583.02
Bruce Hwy/Garland Road Intersection	9,640	5,995	47,030	21%	13%	66%	\$1,563,869.00	\$17.90	\$2.81	\$125.37
Bruce Hwy/Hingham Road Intersection	16,025	5,795	62,810	25%	9%	65%	\$3,914,701.00	\$237.43	\$5.08	\$323.28
Shaw Road (Bruce Hwy to Delymple Road)	7,810	2,120	23,520	33%	9%	58%	\$10,488,287.00	\$629.22	\$13.32	\$1,054.31
Bruce Highway (Shaw Road to Garland Road)	4,725	5,735	36,550	13%	16%	71%	\$7,016,646.00	\$216.03	\$15.51	\$478.24
Bruce Highway (Shaw Road to Hingham Road)	16,025	5,795	62,810	30%	11%	59%	\$11,463,615.00	\$626.67	\$17.68	\$1,126.61
Total							\$53,323,228.00	\$3,427.23	\$93.15	\$5,097.85

Note: The above contribution calculations are based on a total floor space of 71,000 sq.m in the commercial planning area

Table 4.3 – Network Improvements

Network Element	Improvement	Indicative Cost (2005 \$)	Indicative Completion Year
Bruce Hwy/Garland Rd Intersection	upgrade existing intersection	\$ 1,563,809	2011
Bruce Hwy/Shaw Rd Intersection	construct O/pass (grade separation)	\$ 15,461,724	2014
Bruce Hwy (Shaw to Garland)	widen from 4 lanes to 6 lanes	\$ 7,018,646	2014
Bruce Hwy (Shaw to Ingham Rd)	widen existing south bound bridge and replace existing low level bridge	\$ 11,463,615	2014
Shaw Road (Dalrymple Rd to Bruce Hwy)	duplication	\$ 10,488,287	2016
Bruce Hwy/Ingham Rd Intersection	upgrade existing intersection	\$ 3,914,701	2025

Schedule 5 – Garland Link Road



Executed as a deed.

EXECUTED by)
THE STATE OF QUEENSLAND)
by the Chief Executive or their duly)
appointed delegate of the Department)
of Main Roads in the presence of:)

Gina Turner
Witness

Gina Turner (Solicitor)
Name of Witness (print)

[Signature]
Chief Executive/Delegate

DAVID ATKINSON
Name of Chief Executive/
Delegate (print)

EXECUTED by)
STOCKLAND DEVELOPMENT PTY LIMITED)
(ABN 71 000 064 835) by the party's attorney)
pursuant to power of attorney Dealing No.)
709011619 ~~709011627~~ who states that no notice of)
revocation of the power of attorney has been)
received in the presence of:)

Felicity Rawling
Witness

Felicity Rawling
PA to CEO Development
167 Liverpool Street, Sydney
Name of Witness (print)

[Signature]
Attorney

DENIS JON HICKEY
Name of Attorney(print)