

# Seller disclosure statement



Queensland  
Government

Property Law Act 2023 section 99  
Form 2, Version 1 | Effective from: 1 August 2025

**WARNING TO BUYER** – This statement contains important legal and other information about the property offered for sale. You should read and satisfy yourself of the information in this statement before signing a contract. You are advised to seek legal advice before signing this form. You should not assume you can terminate the contract after signing if you are not satisfied with the information in this statement.

**WARNING** – You must be given this statement before you sign the contract for the sale of the property.

**This statement does not include information about:**

- » flooding or other natural hazard history
- » structural soundness of the building or pest infestation
- » current or historical use of the property
- » current or past building or development approvals for the property
- » limits imposed by planning laws on the use of the land
- » services that are or may be connected to the property
- » the presence of asbestos within buildings or improvements on the property.

You are encouraged to make your own inquiries about these matters before signing a contract. You may not be able to terminate the contract if these matters are discovered after you sign.

## Part 1 – Seller and property details

Seller	MICHAEL ANDREW MANIKUS
Property address (referred to as the “property” in this statement)	18 ELSEY CIRCUIT, NORTH LAKES QLD 4509
Lot on plan description	434/SP184367

Community titles scheme or BUGTA scheme:	Is the property part of a community titles scheme or a BUGTA scheme:	
	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
	<i>If <b>Yes</b>, refer to Part 6 of this statement for additional information</i>	<i>If <b>No</b>, please disregard Part 6 of this statement as it does not need to be completed</i>

## Part 2 – Title details, encumbrances and residential tenancy or rooming accommodation agreement

<b>Title details</b>	<b>The seller gives or has given the buyer the following—</b>
	A title search for the property issued under the <i>Land Title Act 1994</i> showing interests registered under that Act for the property. <input checked="" type="checkbox"/> <b>Yes</b>
	A copy of the plan of survey registered for the property. <input checked="" type="checkbox"/> <b>Yes</b>

<b>Registered encumbrances</b>	<p>Registered encumbrances, if any, are recorded on the title search, and may affect your use of the property. Examples include easements, statutory covenants, leases and mortgages.</p> <p>You should seek legal advice about your rights and obligations before signing the contract.</p>
<b>Unregistered encumbrances (excluding statutory encumbrances)</b>	<p>There are encumbrances not registered on the title that will continue <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> to affect the property after <b>settlement</b>.</p> <p><b>Note</b>—If the property is part of a community titles scheme or a BUGTA scheme it may be subject to and have the benefit of statutory easements that are <b>NOT</b> required to be disclosed.</p> <p><b>Unregistered lease (if applicable)</b></p> <p>If the unregistered encumbrance is an unregistered lease, the details of the agreement are as follows:</p> <p>» the start and end day of the term of the lease: <input type="text" value="Insert date range"/></p> <p>» the amount of rent and bond payable: <input type="text" value="Insert amount of rent and bond"/></p> <p>» whether the lease has an option to renew: <input type="text" value="Insert option to renew information"/></p> <p><b>Other unregistered agreement in writing (if applicable)</b></p> <p>If the unregistered encumbrance is created by an agreement in writing, and is not an unregistered lease, a copy of the agreement is given, together with relevant plans, if any. <input type="checkbox"/> <b>Yes</b></p> <p><b>Unregistered oral agreement (if applicable)</b></p> <p>If the unregistered encumbrance is created by an oral agreement, and is not an unregistered lease, the details of the agreement are as follows:</p> <div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p>Insert names of parties to the agreement, term of the agreement and any amounts payable by the owner of the property</p> </div>
<b>Statutory encumbrances</b>	<p>There are statutory encumbrances that affect the property. <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b></p> <p><i>If <b>Yes</b>, the details of any statutory encumbrances are as follows:</i></p> <div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p>Vegetation Notice Dealing 712607148, lodged 21/07/2009</p> </div>
<b>Residential tenancy or rooming accommodation agreement</b>	<p>The property has been subject to a residential tenancy agreement or a rooming accommodation agreement under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> during the last 12 months. <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b></p> <p>If <b>Yes</b>, when was the rent for the premises or each of the residents' rooms last increased? <i>(Insert date of the most recent rent increase for the premises or rooms)</i> <input type="text"/></p> <p><b>Note</b>—Under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> the rent for a residential premises may not be increased earlier than 12 months after the last rent increase for the premises.</p> <p>As the owner of the property, you may need to provide evidence of the day of the last rent increase. You should ask the seller to provide this evidence to you prior to settlement.</p>

## Part 3 – Land use, planning and environment

**WARNING TO BUYER** – You may not have any rights if the current or proposed use of the property is not lawful under the local planning scheme. You can obtain further information about any planning and development restrictions applicable to the lot, including in relation to short-term letting, from the relevant local government.

<b>Zoning</b>	<p>The zoning of the property is <i>(Insert zoning under the planning scheme, the Economic Development Act 2012; the Integrated Resort Development Act 1987; the Mixed Use Development Act 1993; the State Development and Public Works Organisation Act 1971 or the Sanctuary Cove Resort Act 1985, as applicable)</i>:</p> <div style="border: 1px solid black; padding: 5px;"> <p>REFER TO MANGO HILL INFRASTRUCTURE DEVELOPMENT CONTROL PLAN NO 14.</p> </div>		
<b>Transport proposals and resumptions</b>	<p>The lot is affected by a notice issued by a Commonwealth, State or local government entity and given to the seller about a transport infrastructure proposal* to: locate transport infrastructure on the property; or alter the dimensions of the property. <span style="float: right;"><input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b></span></p> <p>The lot is affected by a notice of intention to resume the property or any part of the property. <span style="float: right;"><input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b></span></p> <p><i>If <b>Yes</b>, a copy of the notice, order, proposal or correspondence must be given by the seller.</i></p>		
<b>Contamination and environmental protection</b>	<p>The property is recorded on the Environmental Management Register or the Contaminated Land Register under the <i>Environmental Protection Act 1994</i>. <span style="float: right;"><input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b></span></p> <p><b>The following notices are, or have been, given:</b></p> <p>A notice under section 408(2) of the <i>Environmental Protection Act 1994</i> (for example, land is contaminated, show cause notice, requirement for site investigation, clean up notice or site management plan). <span style="float: right;"><input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b></span></p> <p>A notice under section 369C(2) of the <i>Environmental Protection Act 1994</i> (the property is a place or business to which an environmental enforcement order applies). <span style="float: right;"><input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b></span></p> <p>A notice under section 347(2) of the <i>Environmental Protection Act 1994</i> (the property is a place or business to which a prescribed transitional environmental program applies). <span style="float: right;"><input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b></span></p>		
<b>Trees</b>	<p>There is a tree order or application under the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i> affecting the property. <span style="float: right;"><input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b></span></p> <p><i>If <b>Yes</b>, a copy of the order or application must be given by the seller.</i></p>		
<b>Heritage</b>	<p>The property is affected by the <i>Queensland Heritage Act 1992</i> or is included in the World Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth). <span style="float: right;"><input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b></span></p>		
<b>Flooding</b>	<p>Information about whether the property is affected by flooding or another natural hazard or within a natural hazard overlay can be obtained from the relevant local government and you should make your own enquires. Flood information for the property may also be available at the <a href="#">FloodCheck Queensland</a> portal or the <a href="#">Australian Flood Risk Information</a> portal.</p>		
<b>Vegetation, habitats and protected plants</b>	<p>Information about vegetation clearing, koala habitats and other restrictions on development of the land that may apply can be obtained from the relevant State government agency.</p>		

## Part 4 – Buildings and structures

**WARNING TO BUYER** – The seller does not warrant the structural soundness of the buildings or improvements on the property, or that the buildings on the property have the required approval, or that there is no pest infestation affecting the property. You should engage a licensed building inspector or an appropriately qualified engineer, builder or pest inspector to inspect the property and provide a report and also undertake searches to determine whether buildings and improvements on the property have the required approvals.

<b>Swimming pool</b>	There is a relevant pool for the property.	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
	If a community titles scheme or a BUGTA scheme – a shared pool is located in the scheme.	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
	Pool compliance certificate is given.	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
	OR		
	Notice of no pool safety certificate is given.	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
<b>Unlicensed building work under owner builder permit</b>	Building work was carried out on the property under an owner builder permit in the last 6 years.	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
	<i>A notice under section 47 of the Queensland Building and Construction Commission Act 1991 must be given by the seller and you may be required to sign the notice and return it to the seller prior to signing the contract.</i>		
<b>Notices and orders</b>	There is an unsatisfied show cause notice or enforcement notice under the <i>Building Act 1975</i> , section 246AG, 247 or 248 or under the <i>Planning Act 2016</i> , section 167 or 168.	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
	The seller has been given a notice or order, that remains in effect, from a local, State or Commonwealth government, a court or tribunal, or other competent authority, requiring work to be done or money to be spent in relation to the property.	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
	<i>If <b>Yes</b>, a copy of the notice or order must be given by the seller.</i>		
<b>Building Energy Efficiency Certificate</b>	If the property is a commercial office building of more than 1,000m <sup>2</sup> , a Building Energy Efficiency Certificate is available on the Building Energy Efficiency Register.		
<b>Asbestos</b>	The seller does not warrant whether asbestos is present within buildings or improvements on the property. Buildings or improvements built before 1990 may contain asbestos. Asbestos containing materials (ACM) may have been used up until the early 2000s. Asbestos or ACM may become dangerous when damaged, disturbed, or deteriorating. Information about asbestos is available at the Queensland Government Asbestos Website ( <a href="https://asbestos.qld.gov.au">asbestos.qld.gov.au</a> ) including common locations of asbestos and other practical guidance for homeowners.		

## Part 5 – Rates and services

**WARNING TO BUYER** – The amount of charges imposed on you may be different to the amount imposed on the seller.

Rates	Whichever of the following applies—
	<p>The total amount payable* for all rates and charges (without any discount) for the property as stated in the most recent rate notice is:</p> <p>Amount: <input type="text" value="\$773.82"/> Date Range: <input type="text" value="01.04.25 - 30.06.25"/></p> <p>OR</p> <p>The property is currently a rates exempt lot.** <input type="checkbox"/></p> <p>OR</p> <p>The property is not rates exempt but no separate assessment of rates is issued by a local government for the property. <input type="checkbox"/></p>

\*Concessions: A local government may grant a concession for rates. The concession will not pass to you as buyer unless you meet the criteria in section 120 of the *Local Government Regulation 2012* or section 112 of the *City of Brisbane Regulation 2012*.

\*\* An exemption for rates applies to particular entities. The exemption will not pass to you as buyer unless you meet the criteria in section 93 of the *Local Government Act 2009* or section 95 of the *City of Brisbane Act 2010*.

Water	Whichever of the following applies—
	<p>The total amount payable as charges for water services for the property as indicated in the most recent water services notice* is:</p> <p>Amount: <input type="text" value="\$752.51"/> Date Range: <input type="text" value="05.03.25 - 04.06.25"/></p> <p>OR</p> <p>There is no separate water services notice issued for the lot; however, an estimate of the total amount payable for water services is:</p> <p>Amount: <input type="text" value="Insert estimated amount"/> Date Range: <input type="text" value="Insert date range"/></p>

\* A water services notices means a notice of water charges issued by a water service provider under the *Water Supply (Safety and Reliability) Act 2008*.

Part 6 – Community titles schemes and BUGTA schemes

(If the property is part of a community titles scheme or a BUGTA scheme this Part must be completed)

**WARNING TO BUYER** – If the property is part of a community titles scheme or a BUGTA scheme and you purchase the property, you will become a member of the body corporate for the scheme with the right to participate in significant decisions about the scheme and you will be required to pay contributions towards the body corporate’s expenses in managing the scheme. You will also be required to comply with the by-laws. By-laws will regulate your use of common property and the lot.

**For more information about living in a body corporate and your rights and obligations, contact the Office of the Commissioner for Body Corporate and Community Management.**

Body Corporate and Community Management Act 1997	<div>The property is included in a community titles scheme. (If Yes, complete the information below)</div> <div><input type="checkbox"/> Yes<input checked="" type="checkbox"/> No</div>
Community Management Statement	<div>A copy of the most recent community management statement for the scheme as recorded under the <i>Land Title Act 1994</i> or another Act is given to the buyer.<div><input type="checkbox"/> Yes</div></div> <div><b>Note</b>—If the property is part of a community titles scheme, the community management statement for the scheme contains important information about the rights and obligations of owners of lots in the scheme including matters such as lot entitlements, by-laws and exclusive use areas.</div>
Body Corporate Certificate	<div>A copy of a body corporate certificate for the lot under the <i>Body Corporate and Community Management Act 1997</i>, section 205(4) is given to the buyer.<div><input type="checkbox"/> Yes<input type="checkbox"/> No</div></div> <div><div>If <b>No</b>— An explanatory statement is given to the buyer that states:<div><input type="checkbox"/> Yes</div></div><div>» a copy of a body corporate certificate for the lot is not attached; and</div><div>» the reasons under section 6 of the <i>Property Law Regulation 2024</i> why the seller has not been able to obtain a copy of the body corporate certificate for the lot.</div></div>
Statutory Warranties	<div><b>Statutory Warranties</b>—If you enter into a contract, you will have implied warranties under the <i>Body Corporate and Community Management Act 1997</i> relating to matters such as latent or patent defects in common property or body corporate assets; any actual, expected or contingent financial liabilities that are not part of the normal operating costs; and any circumstances in relation to the affairs of the body corporate that will materially prejudice you as owner of the property. There will be further disclosure about warranties in the contract.</div>

Building Units and Group Titles Act 1980	<div>The property is included in a BUGTA scheme (If Yes, complete the information below)</div> <div><input type="checkbox"/> Yes<input checked="" type="checkbox"/> No</div>
Body Corporate Certificate	<div>A copy of a body corporate certificate for the lot under the <i>Building Units and Group Titles Act 1980</i>, section 40AA(1) is given to the buyer.<div><input type="checkbox"/> Yes<input type="checkbox"/> No</div></div> <div><div>If <b>No</b>— An explanatory statement is given to the buyer that states:<div><input type="checkbox"/> Yes</div></div><div>» a copy of a body corporate certificate for the lot is not attached; and</div><div>» the reasons under section 7 of the <i>Property Law Regulation 2024</i> why the seller has not been able to obtain a copy of the body corporate certificate for the lot.</div></div> <div><b>Note</b>—If the property is part of a BUGTA scheme, you will be subject to by-laws approved by the body corporate and other by-laws that regulate your use of the property and common property.</div>

Signatures – SELLER

Signed by:

Michael Andrew Manikus

95D66E5DB97D4A8...

Signature of seller

Signature of seller

Michael Andrew Manikus

Name of seller

Name of seller

02 September 2025

Date

Date

Signatures – BUYER

By signing this disclosure statement the buyer acknowledges receipt of this disclosure statement before entering into a contract with the seller for the sale of the lot.

Signature of buyer

Signature of buyer

Name of buyer

Name of buyer

Date

Date



## Registration Confirmation Statement

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

Lodger Code: PX 00566

AEJIS LEGAL  
L 5 320 ADELAIDE ST  
BRISBANE 4000 QLD

Title Reference:	50928703
Lodgement No:	6809190
Office:	PEXA

*This is the current status of the title as at 15:46 on 29/08/2025*

### ESTATE AND LAND

Estate in Fee Simple

LOT 434 SURVEY PLAN 184367  
Local Government: MORETON BAY

### REGISTERED OWNER

Dealing No: 724310347 29/08/2025

MICHAEL ANDREW MANIKUS  
UNDER INSTRUMENT 724310347

PERSONAL REPRESENTATIVE

### EASEMENTS, ENCUMBRANCES AND INTERESTS

- Rights and interests reserved to the Crown by  
Deed of Grant No. 10858224 (POR 438)

### ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
712607148	VEG NOTICE VEGETATION MANAGEMENT ACT 1999	21/07/2009 09:50	CURRENT

### UNREGISTERED DEALINGS

NIL

### DEALINGS REGISTERED

724310347 TRANS DEATH 25-0307\_MANIKUS

\*\* End of Registration Confirmation Statement \*\*

Registrar of Titles and Registrar of Water Allocations

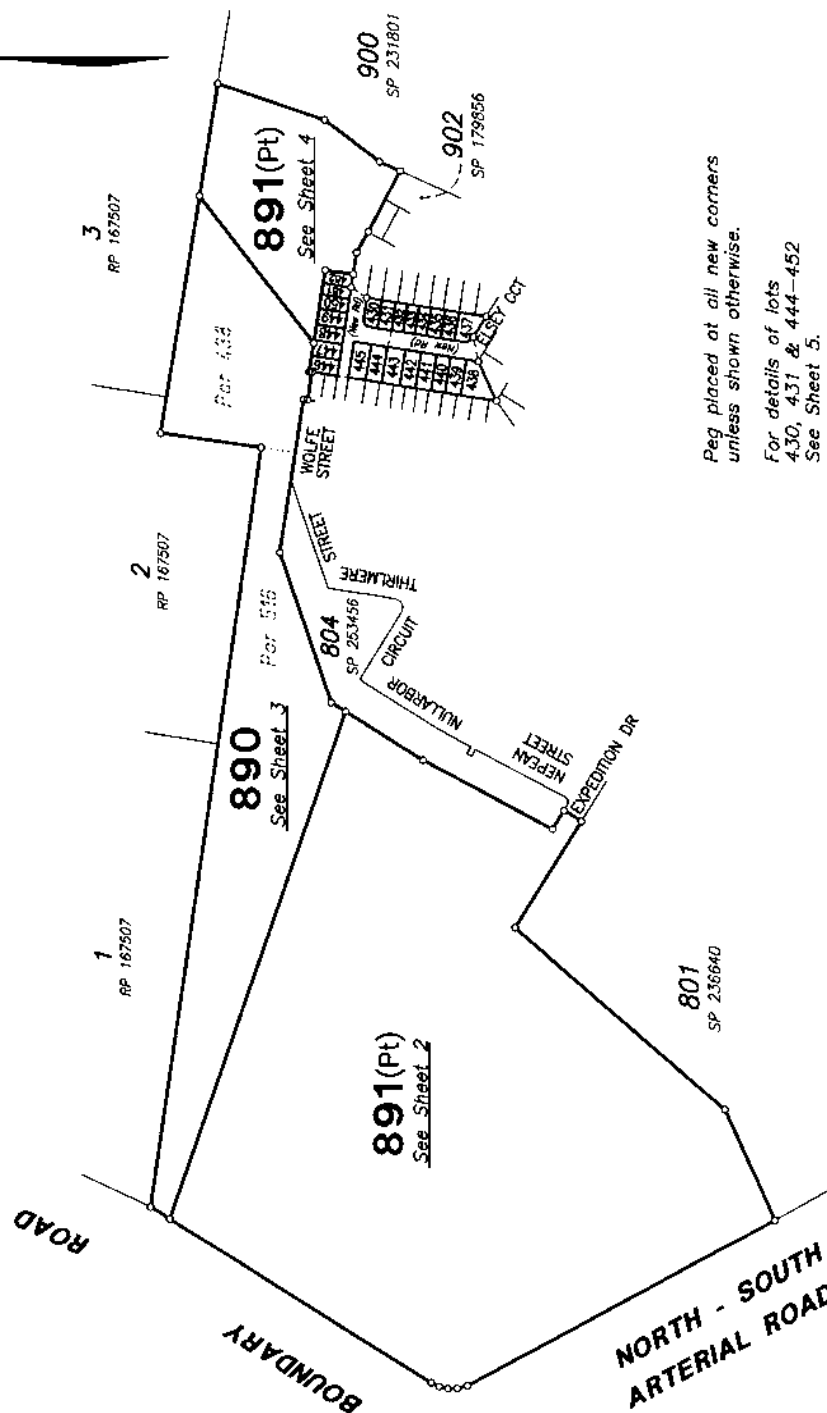


FINAL 2835-NRE15 (JDS/BNE)

Land Title Act 1994 : Land Act 1994  
Form 21 Version 3

## SURVEY PLAN

Sheet 1 of 6


TOTAL AREA OF NEW ROAD  
2549 m<sup>2</sup>

Peg placed at all new corners  
unless shown otherwise.

For details of lots  
430, 431 & 444-452  
See Sheet 5.

For details of lots  
432-443 See Sheet 6.

Original information compiled from  
SP 166934 & SP 179856 in the  
Department of Natural Resources  
and Mines.

Additional reference marks to be  
placed following road construction  
(See IS 242471).

RPS Australia East Pty Ltd (ACN 140 292 762) hereby  
certify that the land comprised in this plan was surveyed  
by the corporation, by Mark David BRENNAN,  
surveying associate, for whose work the corporation accepts  
responsibility, under the supervision of Benjamin Wilkes  
MILLEN, cadastral surveyor and that the plan is accurate,  
that the said survey was performed in accordance with the  
Survey and Mapping Infrastructure Act 2003 and Surveyors  
Act 2003 and associated Regulations and Standards and  
that the said survey was completed on 18-09-2013


  
Authorized Delegate

18-09-13 Date

PLAN OF  
**LOTS 430 - 452, 890 & 891**

Cancelling Lot 890 & the Balance of  
Lot 891 on SP 166934

LOCAL MORETON BAY  
GOVERNMENT: REGIONAL COUNCIL LOCALITY: NORTH LAKES

Meridian: MGA (Zone 56) Vide SP 166934

Survey  
Records: NO

Scale: 1 : 4000

Format: STANDARD



SP184367

FINAL 2835-NRE15 (DS/BNE)

<b>715394988</b> <b>\$2400.60</b> 29/10/2013 15:48 <b>BE 400 NT</b>		<b>WARNING : Folded or Mutilated Plans will not be accepted.</b> <b>Plans may be rolled.</b> <b>Information may not be placed in the outer margins.</b>	
Registered		s. Lodged by <b>CITY AND SUBURBAN AGENCIES</b> <b>GPO BOX 1722</b> <b>SPRINGBANE Q. 4001</b> <b>PH: 3221 3803</b> <i>425</i> (Include address, phone number, reference and Lodger Code)	

1. Certificate of Registered Owners or Lessees. +/We <u>STOCKLAND NORTH LAKES PTY LTD</u> <u>A.C.N. 068 244 752</u>  (Names in full) *as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994. *as Lessees of this land agree to this plan. <div style="display: flex; align-items: center;"> <div>             13/9/2013              Signature of *Registered Owners *Lessees           </div> </div>					5. Existing <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Title Reference</th> <th>Lot</th> <th>Plan</th> <th>Created</th> <th>Emts</th> <th>Road</th> </tr> </thead> <tbody> <tr> <td>50915933</td> <td>890</td> <td>SP 166934</td> <td>446, 447 &amp; 890</td> <td>-</td> <td>New Road</td> </tr> <tr> <td>50915934</td> <td>891</td> <td>SP 166934</td> <td>430-452 &amp; 891</td> <td>-</td> <td>New Road</td> </tr> </tbody> </table>					Title Reference	Lot	Plan	Created	Emts	Road	50915933	890	SP 166934	446, 447 & 890	-	New Road	50915934	891	SP 166934	430-452 & 891	-	New Road
Title Reference	Lot	Plan	Created	Emts	Road																						
50915933	890	SP 166934	446, 447 & 890	-	New Road																						
50915934	891	SP 166934	430-452 & 891	-	New Road																						
* Rule out whichever is inapplicable Local Government Certificate. <u>MORETON BAY REGIONAL COUNCIL</u> hereby approves this plan in accordance with the: <u>SUSTAINABLE PLANNING ACT 2009</u>					6. Administrative Advice <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Administrative Advice</th> <th>Lots to be Recumbered</th> </tr> </thead> <tbody> <tr> <td>712607148</td> <td>430-452, 890 &amp; 891</td> </tr> </tbody> </table>					Administrative Advice	Lots to be Recumbered	712607148	430-452, 890 & 891														
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712607148	430-452, 890 & 891																										

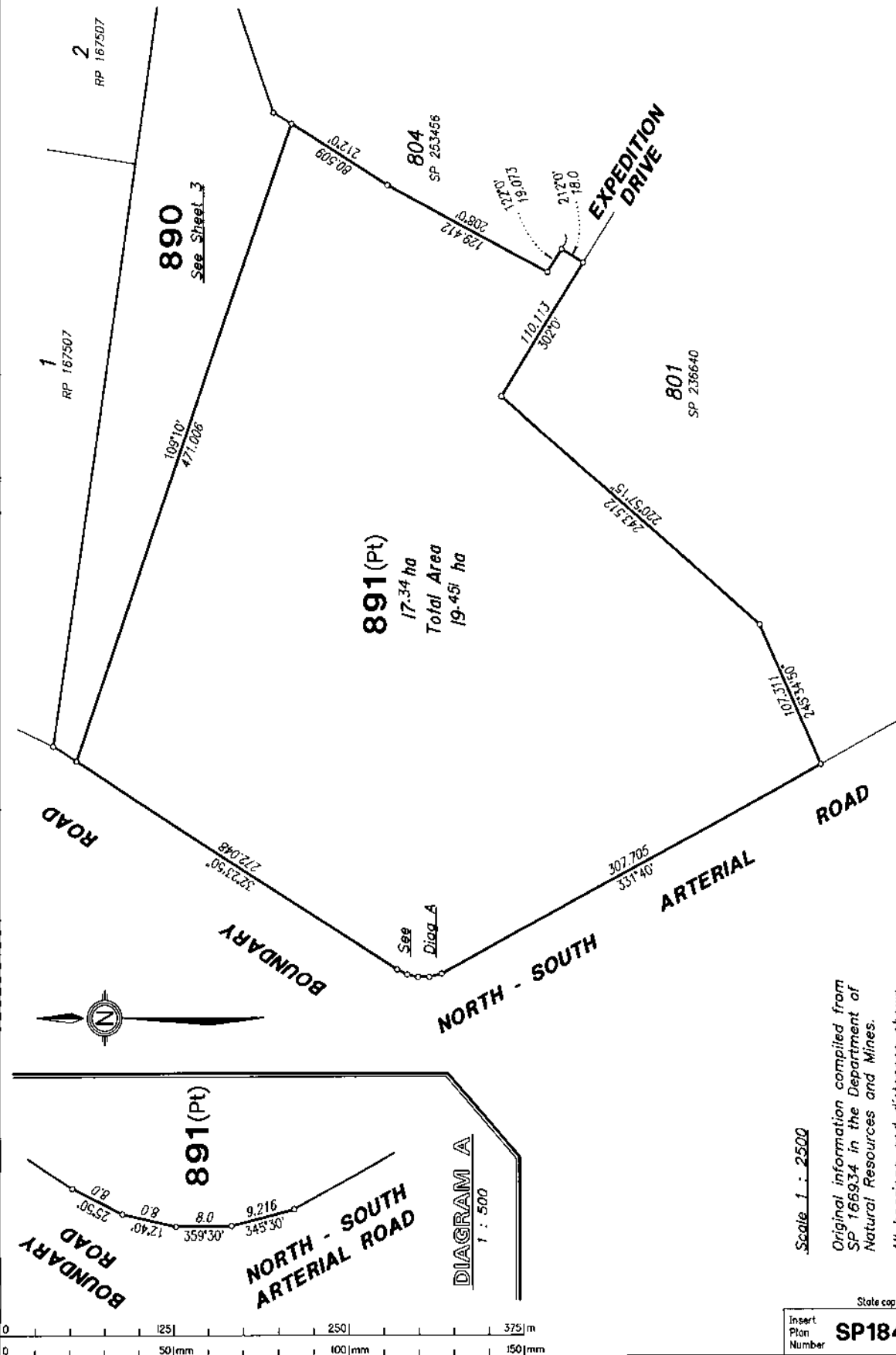
7. Portion Allocation : <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Lots</th> <th>Orig</th> </tr> </thead> <tbody> <tr> <td>430 - 452 890 &amp; 891</td> <td>Por 438 Por 438 &amp; Por 516</td> </tr> </tbody> </table>		Lots	Orig	430 - 452 890 & 891	Por 438 Por 438 & Por 516	12. Building Formal Plans only. I certify that : * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road. * Part of the building shown on this plan encroaches onto adjoining * lots and road	
Lots	Orig						
430 - 452 890 & 891	Por 438 Por 438 & Por 516						
8. Map Reference : <b>9543-43343</b>		Authorized Delegate Coder/Chief Surveyor/Director *delete words not required					
9. Parish : <b>REDCLIFFE</b>		13. Lodgement Fees : Survey Deposit \$ ..... Lodgement \$ ..... New Titles \$ ..... Photocopy \$ ..... Postage \$ ..... TOTAL \$ .....					
10. County : <b>STANLEY</b>		14. Insert Plan Number <b>SP184367</b>					
11. Passed & Endorsed : By : <u>RPS Australia East Pty Ltd</u> Date : <u>10/9/13</u> Signed : Designation : <u>Cadastral Surveyor</u>		3. Plans with Community Management Statement : CMS Number : Name :					
4. References : Dept File : Local Govt : <u>2013/1754</u> Surveyor : <u>2836-NRE15</u>		* Insert the name of the Local Government * Insert Integrated Planning Act 1997 or Local Government (Planning & Environment) Act 1990					

FINAL 2036-NRE15 (IDS/BNF)

Land Title Act 1994 : Land Act 1994  
Form 21A Version 1

ADDITIONAL SHEET

Sheet  
2 of  
6



FINAL 2836-NRE15 (DS/BME)

Land Title Act 1994 : Land Act 1994  
Form 21A Version 1

ADDITIONAL SHEET

Sheet 3 of 6



Scale 1 : 2500

Peg placed at all new corners  
unless shown otherwise.

Original information compiled from  
SP 166934 in the Department of  
Natural Resources and Mines.

BOUNDARY ROAD

1  
RP 167507

2  
RP 167507

3  
RP 167507

890  
5.818 ha

891(Pt)  
See Sheet 2

891(Pt)  
See Sheet 4

98°19'05" ORG  
672.745 ORG

471.006 ORG  
289°10' ORG

89°18'15" ORG  
89.04 ORG

279°0' ORG  
135.712 ORG

139.488 ORG  
151°0' ORG

272°0' ORG  
14.96 ORG

99°19'55" ORG  
210.541 ORG

32°23'50" ORG  
20.0 ORG

For 4.38

For 5.66

See Diag B

WALLARAH PDE

THIRLMERE ST

WOLFE ST

804  
SP 253456

408  
SP 166934

DIAGRAM B  
1 : 300

890

408  
SP 166934

WALLARAH PDE

446  
See

447  
Sheet

448  
5

891(Pt)  
See Sheet 4

25.411  
279°0'

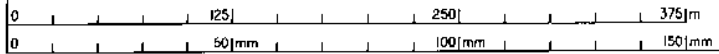
180°0' ORG  
2.5

25.0 ORG  
279°0' ORG

3.491 ORG  
3.491 ORG

State copyright reserved.

Insert Plan Number  
**SP184367**

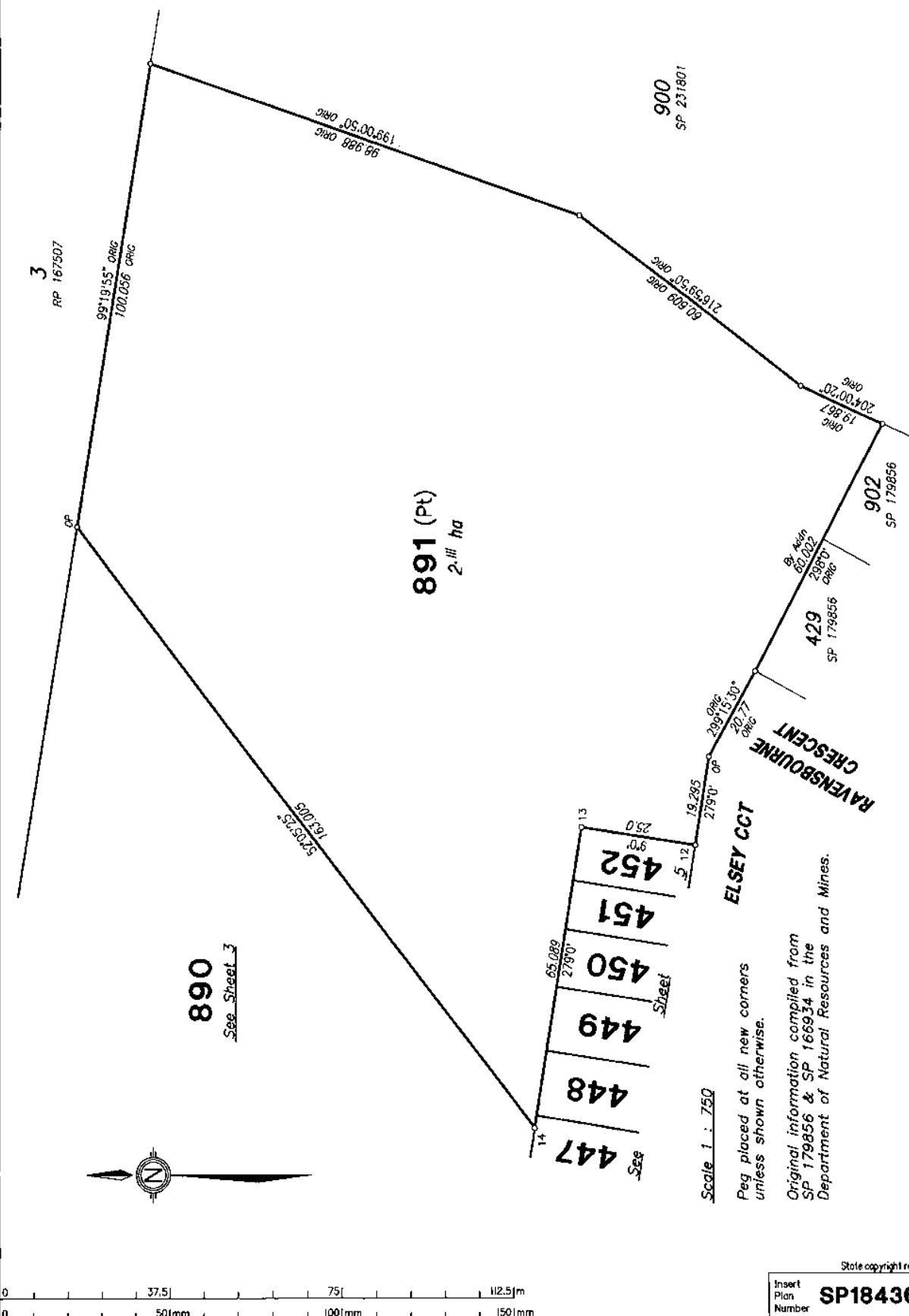


FINAL 2836-NRE15 (IDS/BNE)

Land Title Act 1994 : Land Act 1994  
Form 21A Version 1

# ADDITIONAL SHEET

Sheet  
4 of  
6

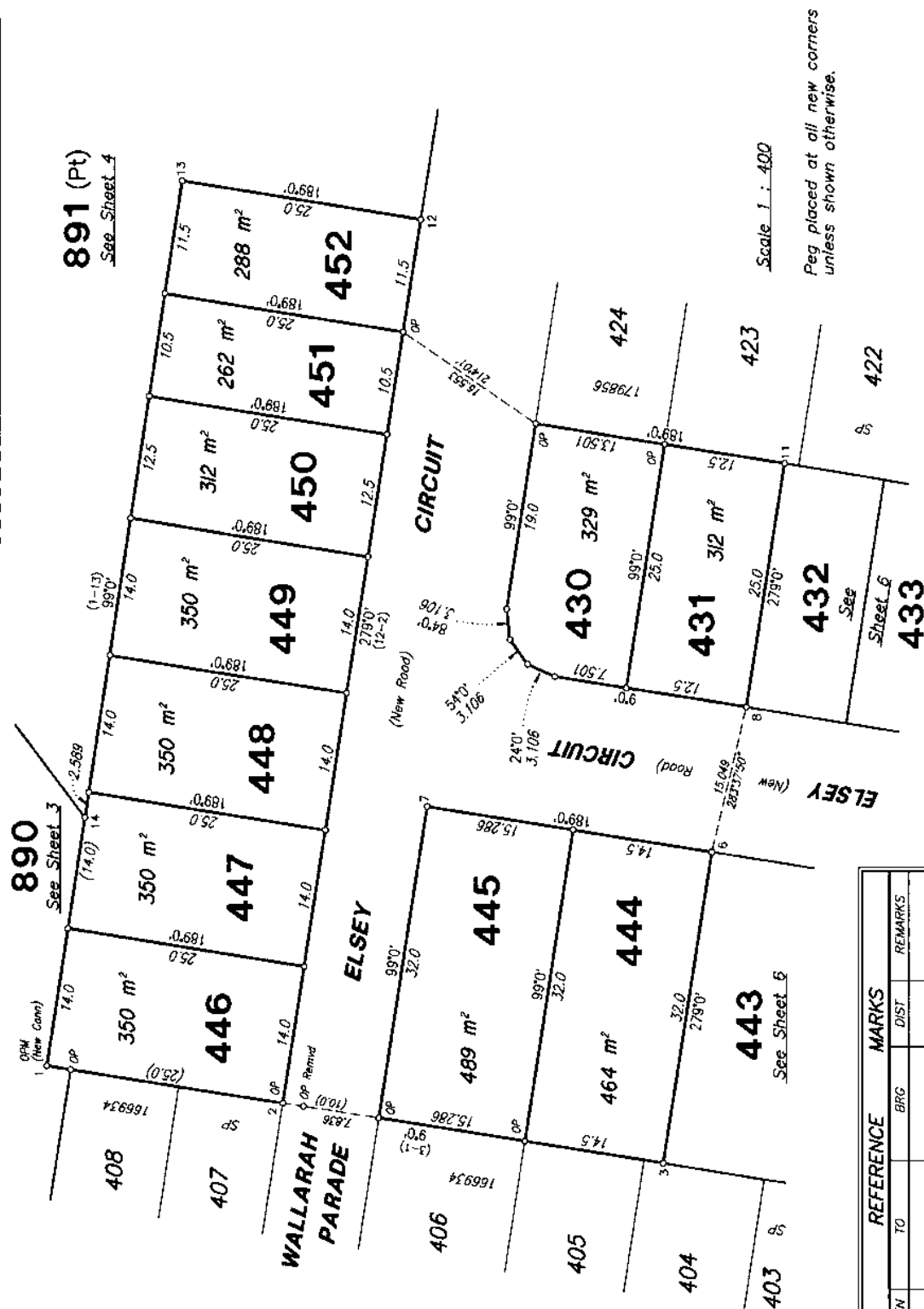


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**ADDITIONAL SHEET**

Sheet	of
5	6



PERMANENT MARKS			
PM	BRG	DIST	REMARKS
1-OPM (New Conn)	280°35'20"	747.074	9/SP179856

[illegible]

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FINAL 2836-NRE15 (JDS/BNE)

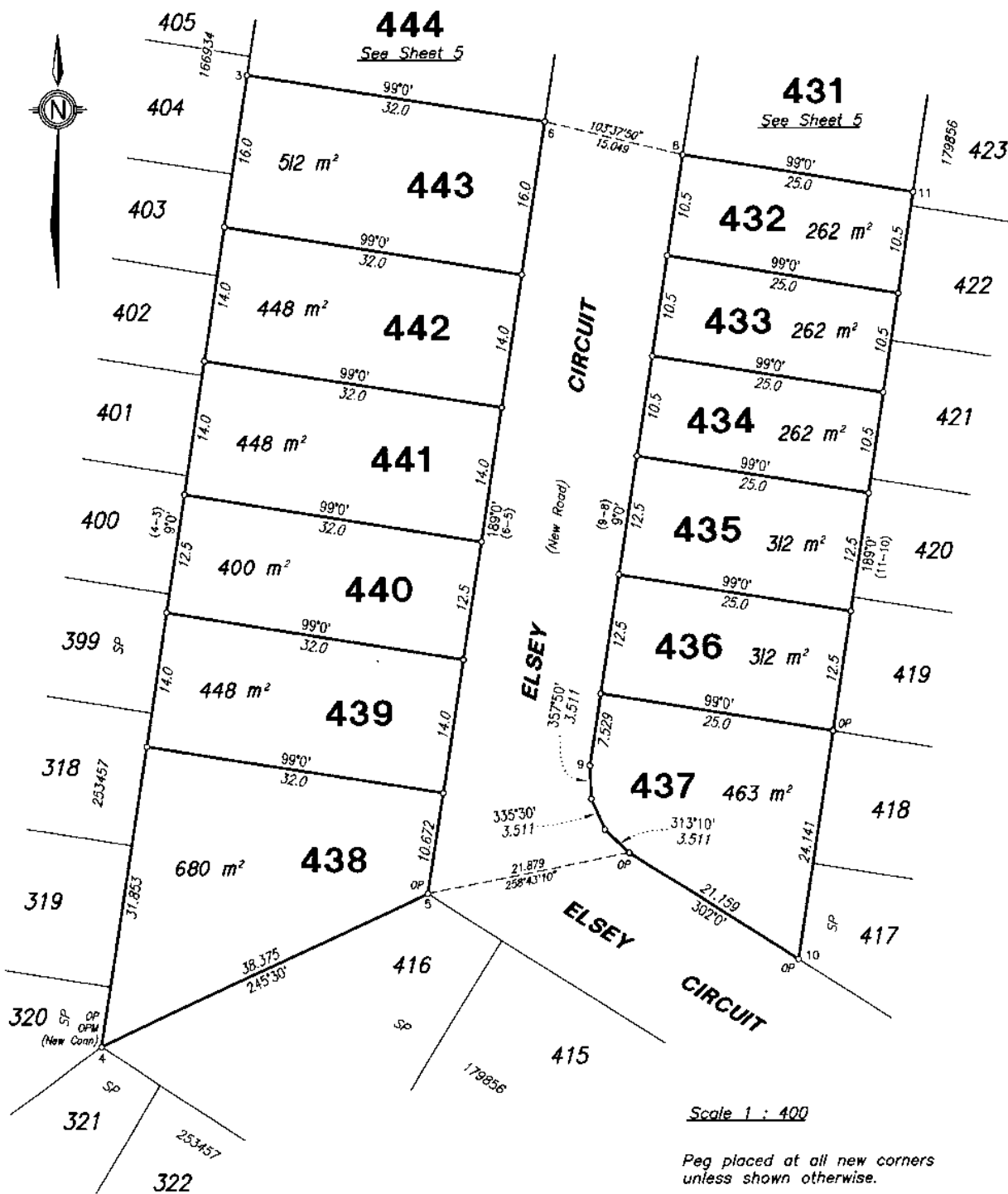
Land Title Act 1994 : Land Act 1994  
Form 21A Version 1

# ADDITIONAL SHEET

Sheet  
6 of  
6

REFERENCE		MARKS		
STN	TO	BRG	DIST	REMARKS

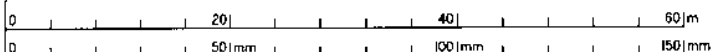
PERMANENT		MARKS		
PM	BRG	DIST	No.	REMARKS
4-OPM (New Conn)	207°09'	576.306	167655	13/SP179856



Scale 1 : 400

Peg placed at all new corners  
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LOTSEARCH REFERENCE  
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REPORT DATE  
01 Sep 2025 09:19:44

CLIENT ID  
171780049

## Seller Disclosure - Zoning



This report provides information on the zoning of a property. It is designed to support the requirement under the **Property Law Regulation 2024** to disclose the zoning of the property under **Part 3 - Land use, planning and environment** of the **QLD Seller Disclosure Statement**.



### Zoning

The result below is based on the *Property Law Regulation 2024* and a search of zoning records under:

- the *Economic Development Act 2012* (Priority Development Areas)
- the *State Development and Public Works Organisation Act 1971*
- the *Integrated Resort Development Act 1987*
- the *Mixed Use Development Act 1993*
- the *Sanctuary Cove Resort Act 1985*
- the local planning scheme

The zoning identified for the property:

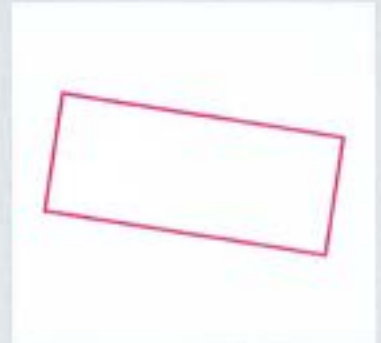
Planning Record	Zoning
Local planning scheme	<b>Not applicable</b>
Mango Hill Infrastructure Development Control Plan	<b>Please refer to this plan for applicable zoning</b>

**We have identified an additional planning instrument in the local planning scheme as listed above. Please review both records to determine the zoning information for the Seller Disclosure Statement.**

Temporary Local Planning Instruments (TLPis) may vary the local planning scheme zoning. Please refer to this [website](#) for a list of current TLPis or check with your local council.

Commonwealth and State legislation other than those listed in the *Property Law Regulation 2024* may state that the planning scheme does not apply to certain areas. This includes, but is not limited to, strategic and core port land, priority ports, and certain airport and defence land. This report does not include a notation of these areas. Please consult your local council and the relevant planning scheme for further information.

LOT/PLAN  
Lot 434, SP184367



COUNCIL  
Moreton Bay City

### THINGS TO KNOW

This report provides zoning information only. The buyer may need to consider other planning controls that may apply to the lot such as local plans and overlays. These can be obtained from the local planning scheme.

This report does not replace the seller's responsibility to accurately complete the Seller Disclosure Statement.

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## Seller Disclosure - Zoning

### Dataset Listing

The results in this report are based upon the following datasets only:

Dataset Name	Custodian	Supply Date	Currency Date	Update Frequency
Priority Development Areas	QLD Department of State Development, Infrastructure and Planning	22/08/2025	22/08/2025	Monthly
State Development Area Precincts	QLD Department of State Development, Infrastructure and Planning	22/08/2025	22/08/2025	Monthly
State Development Areas	QLD Department of State Development, Infrastructure and Planning	22/08/2025	22/08/2025	Monthly
Integrated Resort Development Areas	City of Moreton Bay	22/08/2025	26/05/2025	Quarterly
Mixed Use Development Areas	City of Moreton Bay	22/08/2025	26/05/2025	Quarterly
Sanctuary Cove Resort	City of Moreton Bay	22/08/2025	26/05/2025	Quarterly
Moreton Bay Planning Scheme Zoning – MBRC planning scheme zones	City of Moreton Bay	22/08/2025	28/10/2024	Monthly
Moreton Bay Planning Scheme Zoning – CMB planning scheme zone precincts	City of Moreton Bay	22/08/2025	28/10/2024	Monthly
Moreton Bay Planning Scheme Other Planning Instruments	City of Moreton Bay	22/08/2025	13/02/2023	Monthly

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 Infrastructure and Planning  
<https://www.planning.qld.gov.au/>  
 13 QGOV (13 74 68)

Moreton Bay City  
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[council@moretonbay.qld.gov.au](mailto:council@moretonbay.qld.gov.au)  
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The purpose of this report is to provide a search of publicly available zoning records for the site, to support the requirement of identifying the zoning to be disclosed under the Property Law Regulation 2024 and assist with the disclosure of information under Part 3 – Land use, planning and environment, of the QLD Seller Disclosure Statement.

The report does not replace your responsibility to undertake the accurate identification and disclosure of information relevant to the matters outlined in the Seller Disclosure Statement.

The report does not constitute advice. The report is not a substitute for an on-site inspection or review of other available reports and records. The report is not intended to be, and should not be taken to be, a rating or assessment of the desirability or market value of the property or its features. You should obtain independent advice from a suitably qualified professional or legal practitioner before you make any decision based on the information within the report.

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# **Mango Hill Infrastructure Development Control Plan No 14**

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# Mango Hill Infrastructure Development Control Plan

**PINE RIVERS SHIRE COUNCIL**

**GAZETTED 27 NOVEMBER 1998**

**AMENDED 23 DECEMBER 2011**





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# 1 INTRODUCTION

## 1.1 Preamble

The DCP area contains approximately 1023 hectares and is situated along the Bruce Highway, some 25 kilometres north of the city centre of Brisbane.

It is a large parcel of contiguous land titles presently held in one ownership, situated in a corridor identified as suitable for urban residential growth and a major employment centre. The DCP area is strategically well placed at the centre of the northern, Pine Rivers-Caboolture urban growth corridor. It is also close to the major State controlled Narangba Industrial Estate, and linked by major roads to the adjacent local government areas of Caboolture and Redcliffe.

Some 30 years ago, the DCP area was largely cleared of its native vegetation, and planted with exotic pine species primarily intended for use in the production of cardboard from the paper mill at Petrie. The pine plantation was substantially harvested primarily for woodchip use in the early 1990s and, more recently, stumps were removed. The DCP area is now used for grazing purposes.

The potential suitability of the DCP area for urban development purposes was recognised by Council in its 1988 strategic plan. During 1995/96, as part of a wider scale planning exercise, Council undertook a range of studies which investigated the long term development potential of the DCP area in more detail.

In December 1995, a rezoning application was lodged by Lend Lease Development Pty Ltd (Lend Lease) on behalf of the owner, Mango Hill Development Pty Ltd, for approval to develop the land for urban purposes, including a town centre and significant employment areas. Lend Lease, in support of its application, undertook, independently of Council, substantial investigations into the DCP area and its suitability for development. More recently, detailed investigations have been undertaken into the suitability and development feasibility of the southern corner of the DCP area for a sub-regional centre. This location generally satisfies the Council's long range conceptual planning in its strategic plan. Discussions in late 1997 between State Government representatives (principally the Departments of Transport and Main Roads), Council and the principal developer further refined

the preferred development strategy for the DCP area.

These factors combined offer a unique opportunity to create a master planned community providing an exceptionally high standard of residential amenity, employment opportunities and community facilities.

This DCP has been prepared by Council in consultation with the principal developer. Council proposes to amend the planning scheme to include the DCP area in the Special Development zone.

Development of the master planned community is expected to extend over approximately a 20 year time period. It is therefore necessary to prepare this DCP to guide planning and development over this period and to provide the basis for agreements to be entered into for the provision of infrastructure to meet the needs of the master planned community.

## 1.2 Description of the DCP Area

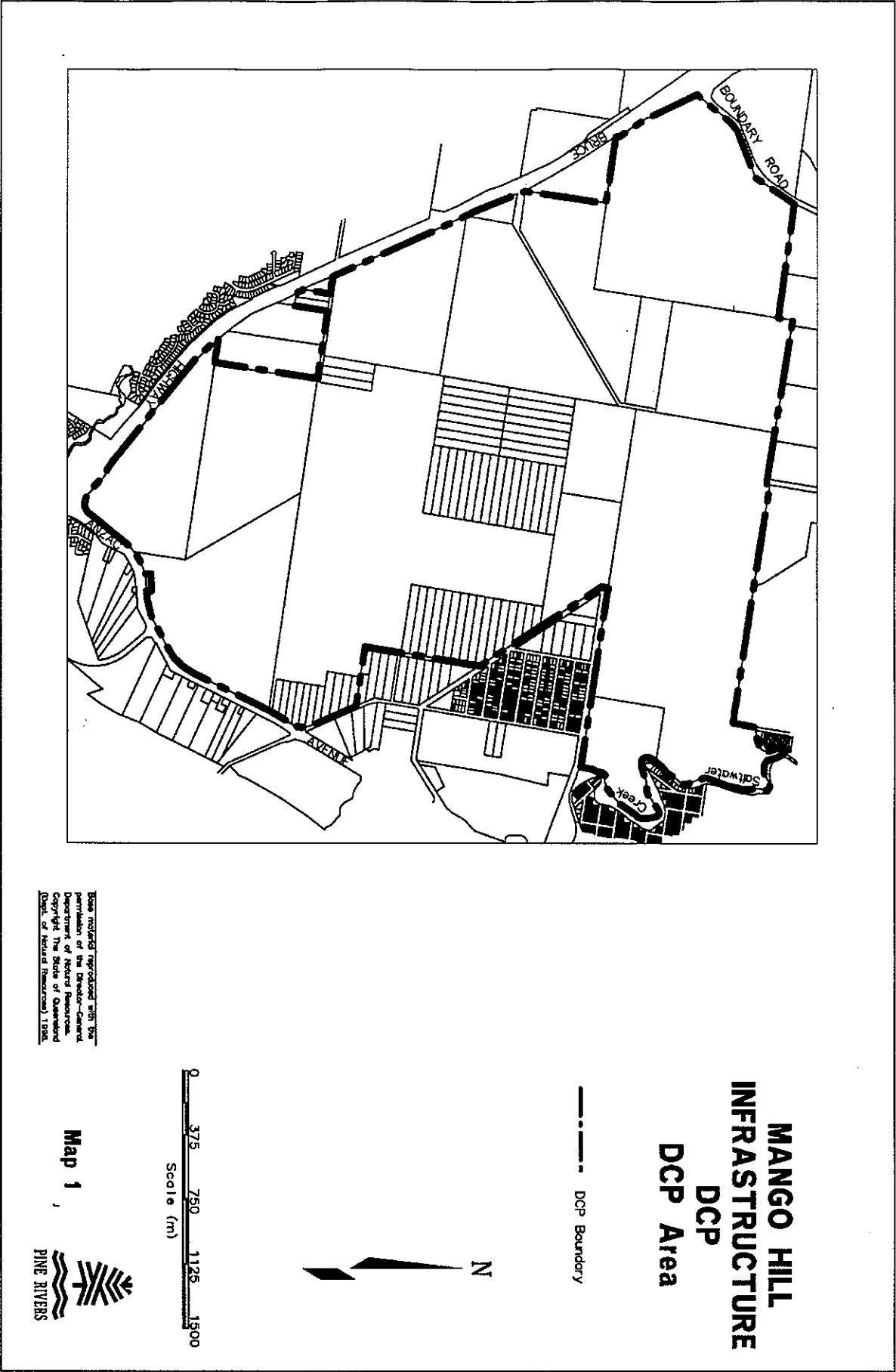
The DCP area is identified on Map 1. The DCP area lies within the Shire of Pine Rivers and abuts the common boundary with the Shire of Caboolture. Some distance to the east is the City of Redcliffe.

The DCP area is bounded by the Bruce Highway for much of its western boundary, and along its south-eastern boundary by Anzac Avenue. Boundary Road truncates the north-western corner and Saltwater Creek truncates the north-eastern corner of the DCP area. The existing village of Mango Hill abuts the eastern boundary.

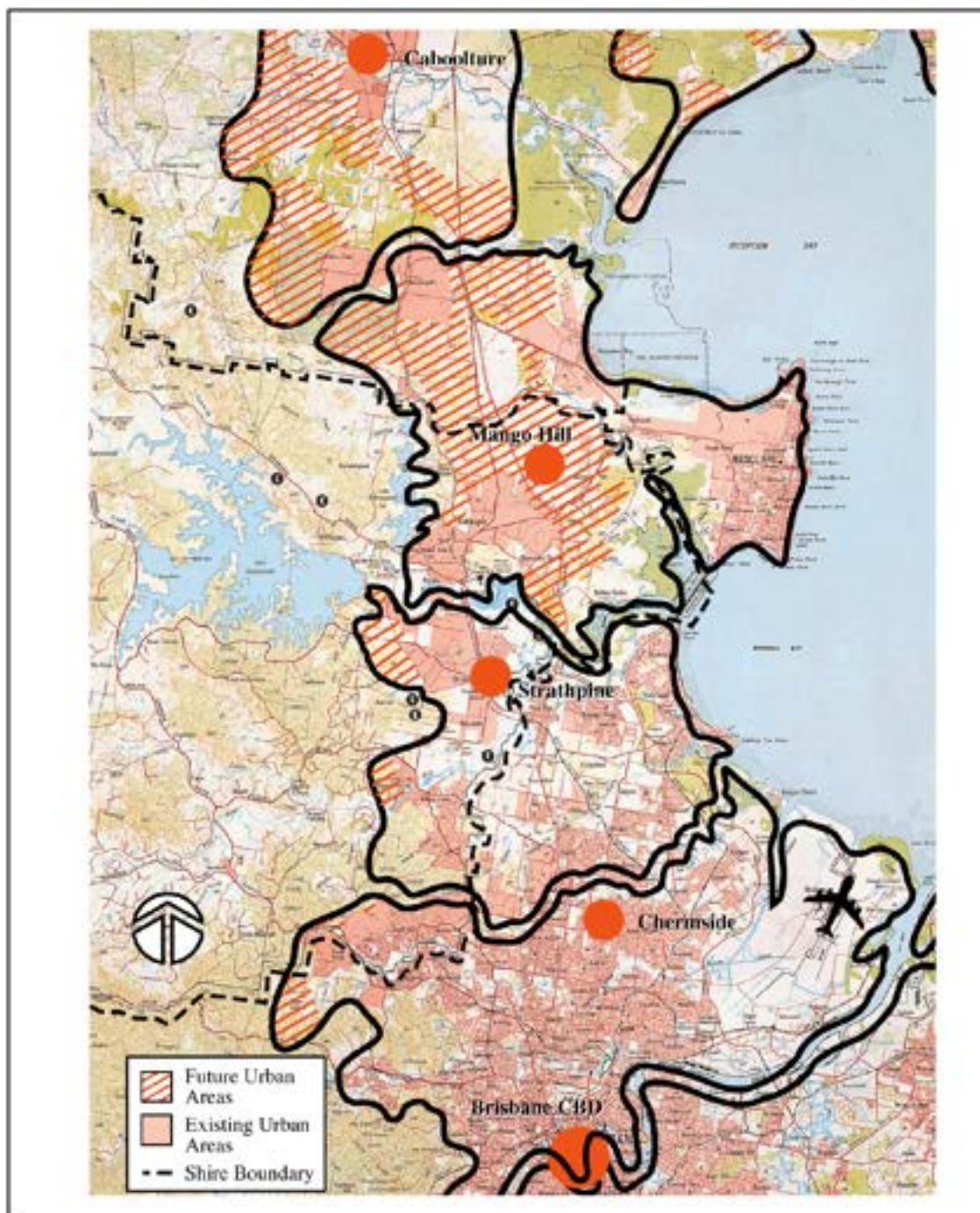
In the regional context, the DCP area is located centrally in South East Queensland's northern growth corridor identified in the 1998 Regional Framework for Growth Management (RFGM). Its regional context is shown on Map 2.

## **1.3 Previous Studies**

In April 1996 Council completed the preparation of a draft North Pine Area Development Control Plan which originally incorporated the localities of Lake Kurwongbah, Dakabin, Kallangur, Petrie (Part), Murrumba Downs, Griffin and Mango Hill. The DCP area formed part of the draft North Pine Area Development Control Plan.



12/8/98 takm:ml



# **MANGO HILL INFRASTRUCTURE DCP Regional Context**

**Map 2**



Extensive studies were undertaken in support of the draft North Pine Area Development Control Plan and these studies identified the unique opportunity for development of the DCP area for a master planned community. The Draft North Pine Area Development Control Plan was publicly advertised in 1996. Following consideration of submissions received, Council reconsidered its strategy, and resolved to prepare three separate DCPs for the northern area, namely:

- (a) Mango Hill Infrastructure DCP,
- (b) Lake Kurwongbah DCP, and
- (c) North Pine DCP (Balance Area).

The principal developer has also undertaken extensive planning studies of the DCP area. These studies have been made available to the Council as part of the 1995 rezoning application made by the principal developer, to exclude the DCP area from the rural zone and include it in the Special Facilities zone. Other studies carried out by the principal developer subsequent to that rezoning application have also been made available to Council.

The RFGM and the Integrated Regional Transport Plan 1997 have been considered by Council in the preparation of this DCP.

## 1.4 Planning Study

The main planning study report which forms Part B of this DCP draws on material prepared by Council and the principal developer in their various investigations concerning development of the DCP area. The planning study contains supporting information on which this DCP is based. It draws on information contained within existing reports, updated where necessary, and collates that information into an easily assimilated form.

## 1.5 Strategic Plan

Council's strategic plan designates the DCP area partly as a Major Employment Centre, partly as Urban Areas and partly as Rural Areas.

## 1.6 Development Vision

The overriding vision for the Mango Hill development planned in this DCP is to provide through the processes of integrated and comprehensive master planning, an attractive, safe, convenient, efficient and sustainable new town. It will house approximately 25,000 residents together with a major shopping centre and a wide range of employment opportunities and community, education and recreation facilities. A key aspect of the integrated and comprehensive master planning approach to this new town is the timely and co-ordinated provision of all

infrastructure necessary to provide, maintain and sustain a high standard of living for residents in the DCP area, and a vibrant, competitive, well serviced, major employment centre for the Shire and the region.

## 1.7 DCP Purpose

Fundamental to the development of the DCP area is achievement of ecological sustainability by:

- (a) co-ordinating and integrating planning of the DCP area having regard to matters of local, regional and state interest;
- (b) managing the process by which development occurs; and
- (c) managing the effects of development on the environment.

## 1.8 Provision of Infrastructure

An essential element of the implementation of this DCP is the provision of infrastructure for:

- (a) water supply and sewerage;
- (b) stormwater management;
- (c) roads and transport;
- (d) open space; and
- (e) community facilities.

In addition to the requirements of this DCP the provision of infrastructure is to be governed by infrastructure agreements which will be entered into between the principal developer, the Council and/or the State Government. This DCP will not commence to operate until the legally binding agreements for the provision of infrastructure have been entered into.

## 1.9 Structure of the Document

Section 1 contains the introductory material relating to the DCP area and the development vision. Section 2 provides the plan making process to allow the implementation of the development strategies and achievement of the desired environmental outcomes. Section 3 outlines the development strategy, the desired environmental outcomes flowing from the



development vision stated in Section 1.6, as well as identifying the key land use elements and other major structural elements.

The key land use elements shown on the structure plan are described in Sections 4-10. They provide the desired environmental outcomes and the planning and development intents, and supplementary tables of development for each of the town centre core, town centre frame, the mixed industry and business area (MIBA), community facilities, the urban residential areas, the major open space and major transport networks.

Section 11 provides an overview of the planning and development intentions in relation to environmental protection measures. Section 12 deals with infrastructure agreements. Finally, Section 13 contains miscellaneous provisions regarding matters such as interim uses, car parking and definitions.

The DCP has been structured, as much as practicable, so that each land use element section can largely stand alone to facilitate reference to components of particular relevance to each reader. However, it is essential that all readers refer to sections 2 and 3 in order to appreciate the plan making process applicable to development within the DCP area and the overall development strategy respectively. Those reading the DCP in its entirety will be aware of some repetition of phrases, concepts and principles which provide consistency and a degree of autonomy to individual land use element sections. Readers who require a detailed understanding of all planning and development aspects of the Mango Hill development should read the whole of this document and the Planning Study.

## 1.10 Legislative Framework

Although this DCP has been prepared in accordance with the provisions of the *Local Government (Planning and Environment) Act 1990* (PEA) in early 1998, nevertheless it has where possible taken into account the introduction of the *Integrated Planning Act 1997* (IPA) under which it will fall to be implemented and administered. Accordingly, the DCP recognises, to the extent possible, the concepts within IPA and, in particular, that of the integrated development assessment system (IDAS). It has adopted some

terms used in IPA and these terms should be given the same meaning as in IPA, where the context permits.

## 1.11 Relationship to Pine Rivers Shire Council Planning Scheme

This DCP has been prepared by the Council under s.2.18(2)(c) of the PEA. It forms part of the planning scheme for the Shire and has application to the DCP area.

Because of the particular nature of the development envisaged for this DCP area, its long term integrated construction and the plan making processes detailed in section 2, some provisions in this DCP differ from those in the planning scheme. It is intended as sector plans are progressively approved over the life of the development that Council will determine at the time of the approval of each sector plan the particular planning, design and development control criteria to apply to development in that sector. To the extent a sector plan does not provide planning, design and development control criteria, then the provisions of the planning scheme relevant to the particular form of development will apply.

Accordingly the DCP, approved precinct plans and approved sector plans are to be read in conjunction with the planning scheme and Council's local laws, policies and codes and to the extent the DCP, precinct plans and sector plans do not modify provisions of the Council's planning scheme, local laws, policies and codes they will apply to the DCP area. To the extent the provisions of the Council's planning scheme, local laws, policies or codes are modified by the DCP precinct plans or sector plans, then the provisions of this DCP, the precinct plans or sector plans will prevail.

## **1.12 Special Development Zone**

In conjunction with the introduction of this DCP, the DCP area will be included in the special development zone. This zone is provided in the planning scheme for use in conjunction with a DCP in this manner, as Council desires to make special provisions for the integrated development of this large and strategically positioned site. Although the DCP area consists of many separate allotments it has the advantage of being in the one ownership. Further, there are aspects of the development which can work well in the integrated environment offered by the development proposal but which might not work satisfactorily in isolation in other areas of the Shire. The Special Development zone is intended to enable particular areas of the Shire, such as the DCP area, to be developed in a comprehensive and co-ordinated manner, and to make provision for particular forms of development appropriate to the DCP area.

## 2 IMPLEMENTATION

### 2.1 Plan Making Process

This DCP provides a mechanism for planning and managing development by the use of a hierarchical plan making process having three levels. Each planning level contains progressively more detailed information, consistent with preceding plans, for progressively smaller areas of the DCP area.

Planning of this large DCP area needs to take account of the broad range of land uses proposed, the dynamics of the market, the economy, community preferences, changes in technology, and other factors over the life of such a major development. Of necessity, therefore, the planning process must commence with flexible and broadly based locations of preferred land use designations. This inherent flexibility is essential to allow for the long term development program (anticipated to be about 20 years) and the future detailed planning of the DCP area. Detailed planning will have regard to:

- (a) the incidence and impact of features such as topography, soils, overland flow paths, and other physical characteristics of the DCP area;
- (b) existing planning constraints such as highways, roads, trunk mains, and open space systems;
- (c) the long term development program; and
- (d) market expectations and demand.

The plan making process must also permit a flexible approach to facilitate innovative development and enable modifications to be made to current planning and development standards which take account of technological developments and changing patterns in society.

With progressively refined planning at increasing levels of detail for smaller sections of the DCP area, the final plan in the process provides detailed

and specific land use statements, development requirements, built form and landscape design criteria and the location of land uses. This final plan will be prepared at or about the time of subdivision and just prior to physical development of the land. It is both unnecessary and undesirable to bring forward this final stage of plan making until closer to the actual development of the DCP area when detailed planning is completed.

The plans in the hierarchical plan making process are the:

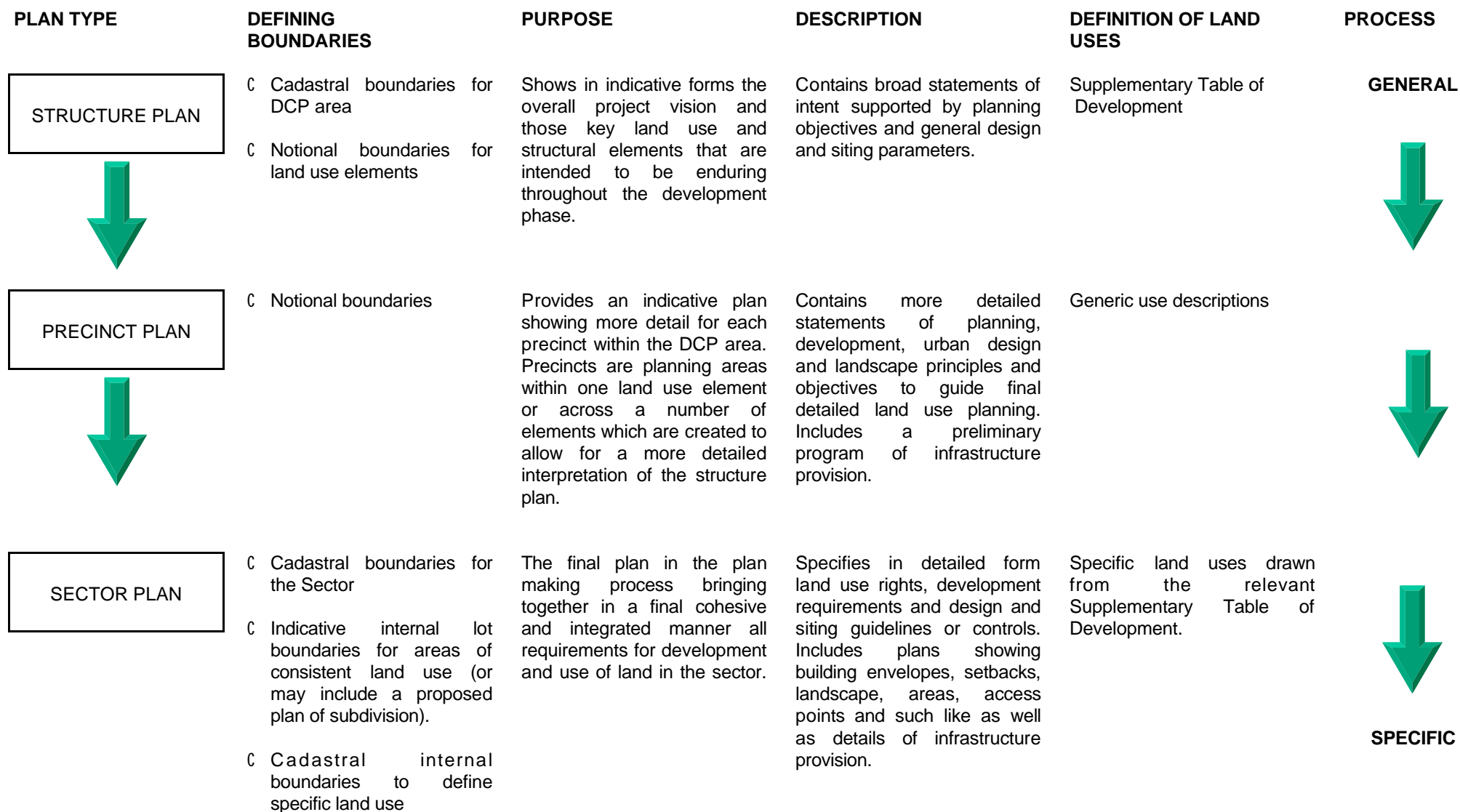
- (a) structure plan;
- (b) precinct plans; and
- (c) sector plans.

The following diagram summarises the plan making process as a means of assisting in the understanding of the relationship between the visionary concepts and intentions shown in the structure plan and the process by which this vision will be translated and implemented into reality at the detailed phase of planning and development.

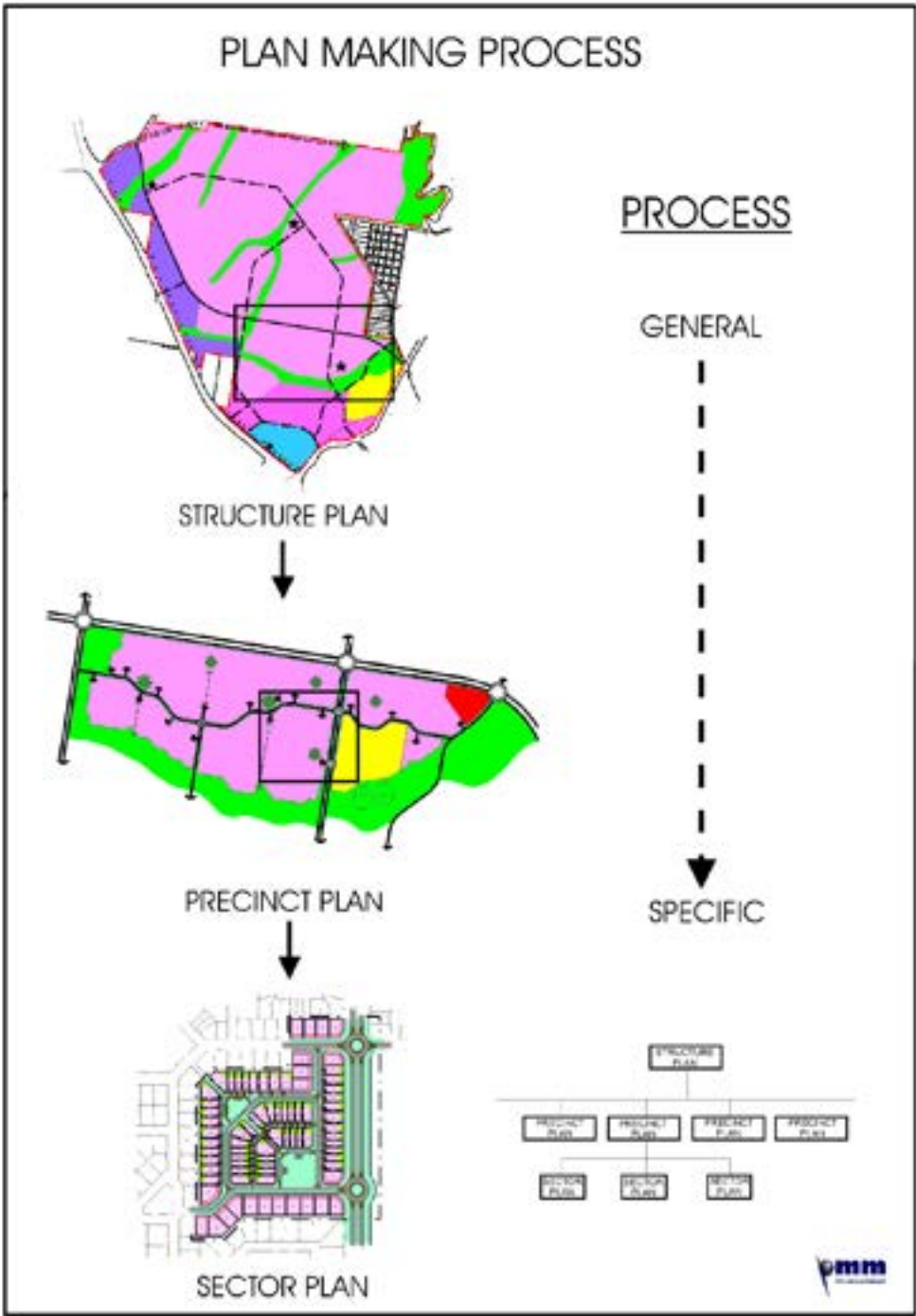
The relationship between the plan making process and the development approval process is illustrated in Figure 2. It is important to recognise that these two processes serve separate and distinct functions. The plan making process must precede approval of development applications and the commencement of development because the precinct plans and sector plans provide the code against which development applications will be assessed. Nevertheless, this does not prevent concurrent preparation, lodgement and consideration of a plan or application envisaged in these two processes. For example, early stages of development in the town centre core may follow parallel processes. Detailed descriptions of the contents and purpose of each plan and the requirements for making, approving and amending these plans are contained in subsequent clauses.

The separate development approval processes are governed by law.

## PLAN MAKING PROCESS





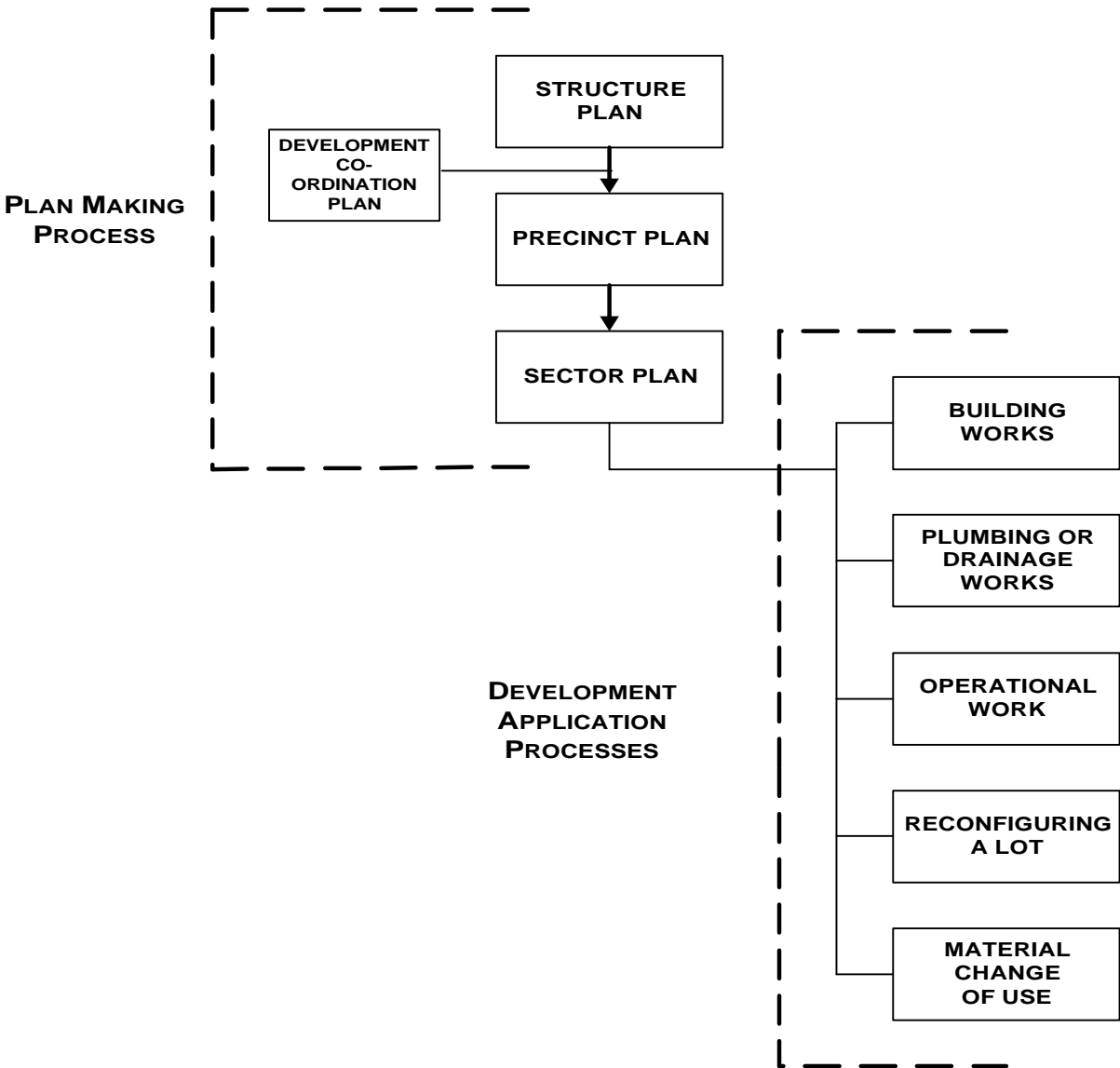


**MANGO HILL  
INFRASTRUCTURE  
DCP  
Plan Making Process**

**Figure 1**



**FIGURE 2    DIAGRAM ON PLAN MAKING PROCESS AND ITS RELATIONSHIP TO DEVELOPMENT APPROVAL PROCESS**



## 2.2 Structure Plan

### 2.2.1 Purpose

The structure plan is the fundamental planning guide for development. It shows land use and structural elements in a notional way. The land use and structural elements are described in section 3.

The structure plan is not intended to prescribe the precise boundary of those land use elements which are shown in a notional way. Also, it is not intended the structure plan prescribe with accuracy the final location of uses but rather the notional layout of uses within the broad conceptual land use elements.

The structural elements shown on the structure plan are the proposed overall framework of transport and open space networks. The proposed structural elements are shown in a conceptual way based on the present level of planning and knowledge of constraints, and for these reasons the locations must not be regarded as in any way final. With further land use planning, engineering and environmental assessments, the final location of the structural elements will be determined to achieve the function and purpose for which they are intended. In other words, it is not their location on the structure plan but the indication of their function to be provided which is important.

The structure plan is intended to serve four main purposes:

- (a) to express overall development intent, concepts and strategies;
- (b) to show those elements of the development which are intended to be enduring;
- (c) to provide the broad conceptual basis for assessing the suitability of development proposals in a continuing process;
- (d) to provide a reference plan for the ultimate general form and nature of development of the DCP area.

The planning and development principles and objectives pivotal in preparing the structure plan include:

- (a) to create an integrated community to accommodate about 25,000 residents together with a wide range of

community facilities and services required for a development of this scale;

- (b) to create a major employment centre, including a major shopping centre, other town centre facilities and a MIBA;
- (c) to protect conservation values and cultural heritage;
- (d) to protect waterways and estuarine systems; and
- (e) to provide a major transport corridor.

The structure plan purposely has inherent flexibility to accommodate land use variations and development needs which cannot be precisely foreseen. Specifically, given the nature and scale of the development, it is acknowledged that the form and detail of land use in areas such as the MIBA will evolve over time. For example, it is both likely and desirable that compatible land uses will evolve around key pioneer land uses in the MIBA. Providing the desired environmental outcomes are achieved, this approach is endorsed by the DCP.

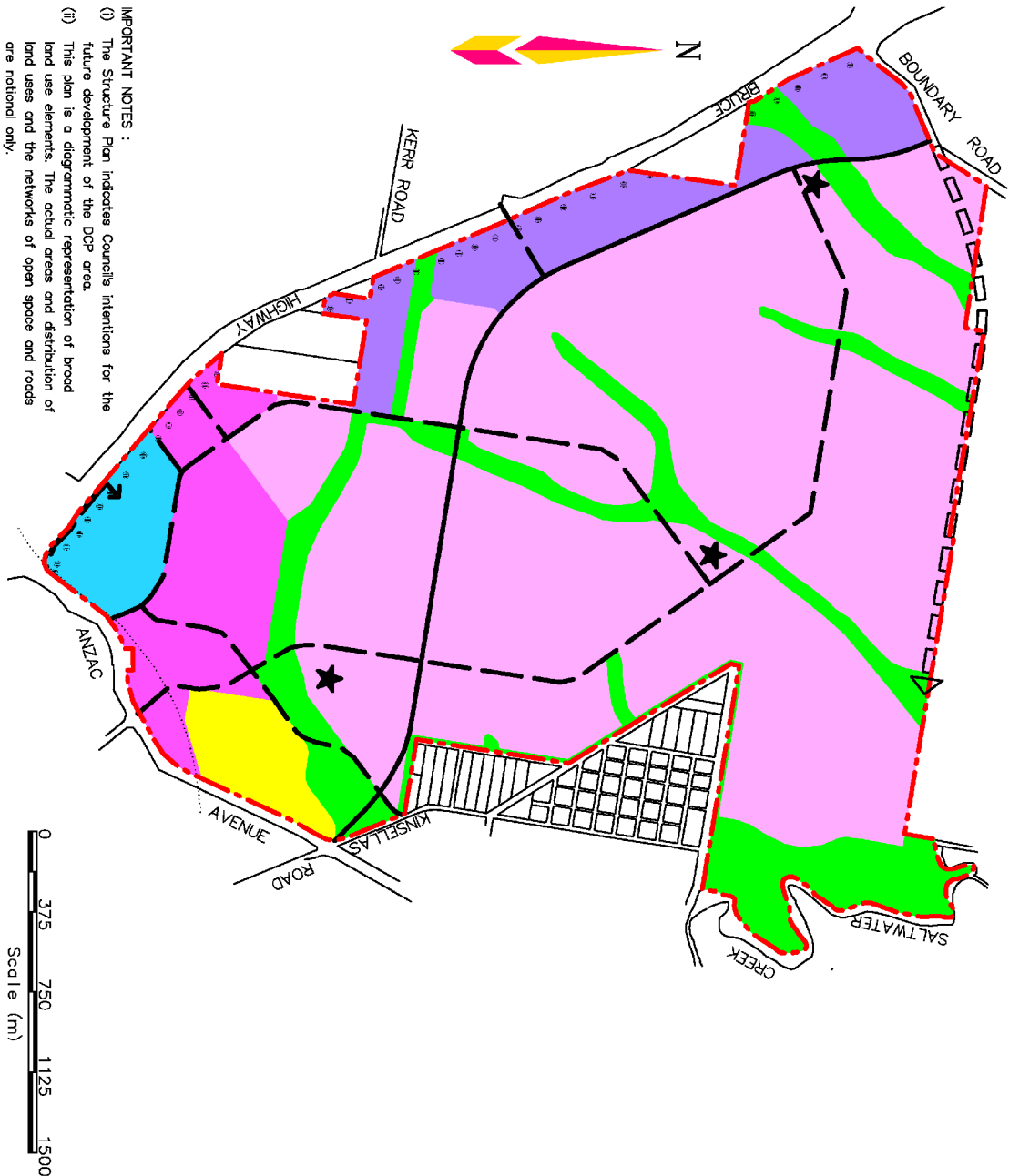
A physical constraint on ultimate development is the infrastructure to be provided which is designed to serve the expected residential population of 25,000 and the projected workforce of approximately 13,000.

In terms of water and sewerage infrastructure demand and design these figures convert to:

- Sewerage an “equivalent population” of approximately 26,000 persons more or less residing in the DCP are plus an additional 6,000 “equivalent persons” employed in the DCP area.
- Water 9,729 “equivalent tenements”

Planning for each precinct and sector must take this constraint into account. Precinct or sector plans may apportion these levels of “equivalent population and tenements”. Development which generates an “equivalent population or tenement” significantly exceeding the figure listed above or that “equivalent population or tenement” apportioned to a precinct or a sector will be considered inappropriate.



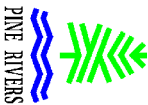


# MANGO HILL INFRASTRUCTURE DCP Structure Plan

## ELEMENTS

- Town Centre – Core
- Town Centre – Frame
- Major Community Facilities
- Local Community Facilities
- Major Open Space
- Urban Residential Area
- Mixed Industry & Business Area
- Proposed North–South Arterial Rd
- Major Roads
- Highway Corridor
- Possible Public Transport Corridor
- DCP Boundary
- Possible Boundary Road Deviation

Map 3



## 2.2.2 Amendment of Structure Plan

It is inherent in the plan making process that the final location or boundaries of land use elements or locations of structural elements shown on the structure plan may be different to their original notional location indicated on the structure plan. If a land use or structural element is located in a different position, for example, community facilities are positioned within the general proximity of those symbols shown on the structure plan, or boundaries of land use elements are generally realigned, or transport networks are realigned without undermining the intention of the overall pattern of development across the DCP area, such changes should not be considered to require or amount to an amendment of the structure plan. These changes should be regarded as a natural and expected outcome of the function of the plan making process.

Amendments of the structure plan are likely to be infrequent. This is because the location of final forms of development, as shown on subsequent plans consistent with the structure plan and the planning intents, will be an expression of the structure plan rather than an amendment of it.

An amendment of the structure plan will be required only if the general location of a land use element is moved substantially from one part of the DCP area to another or if a substantially different form of land use is proposed, for example, a residential village is proposed to be developed for industrial purposes or a structural element being the road or open space networks changes in overall terms.

Where required, an amendment of the structure plan may be instigated by the principal developer because of more detailed planning or market demands, or by the Council in the public interest.

Either the Council or the principal developer may propose amendments to the structure plan.

If either the Council or the principal developer proposes an amendment the proponent may submit an amended structure plan to the other together with consequential amendments to this DCP. The proposed structure plan amendment is to be supported by such information and studies as are necessary to demonstrate the basis and the need for the amendment.

If within twenty-eight (28) days or such longer period as agreed between Council and the principal developer, the Council and the principal developer agree on the proposed structure plan amendment the Council must immediately initiate

the procedures required by law to amend its planning scheme to give effect to the proposed structure plan amendment. If the proposal for the structure plan amendment was initiated by the principal developer, then the principal developer must pay the costs of advertising the amendment.

For the avoidance of doubt, the Council in agreeing with the principal developer to propose an amendment to the structure plan, is not to be taken to have exercised its discretion as a local government about the proposed amendment.

## 2.3 Precinct Plans

### 2.3.1 Purpose

At the time of preparation of this DCP significant planning of a broad and strategic nature had been undertaken. However, planning had not been sufficiently detailed to permit the creation of a site specific land use plan nor to specify detailed design and development controls, principles and objectives.

Because of the long term nature of the development of the DCP area it is desirable and indeed necessary to provide guidance and ensure a sound basis for preparation of plans by the principal developer and for assessment of such plans and development.

The preparation of precinct plans for precincts within the DCP area is the first step in this process. Each precinct plan must be prepared by the principal developer in accordance with this section. To the extent relevant, having regard to subsequent sector plans, development in the precinct must comply with the provisions of a precinct plan

### 2.3.2 Contents of Precinct Plan

A precinct plan must provide for the precinct:

- (a) a more detailed interpretation of the structure plan, the desired environmental outcomes and the planning intents of this DCP;
- (b) statements of development, planning and design principles to guide final detailed planning and development such as the general form of commercial development;
- (c) a landscape concept plan showing the broad strategies and themes for major

- public places, major roads and development sites;
- (d) where relevant, the broad strategies of the open space system for the precinct;
- (e) environmental management objectives for development and performance indicators used to measure achievement of these objectives.
- (f) statements of intended desirable and undesirable generic land uses in the precinct
- (g) statements concerning:
  - (1) the infrastructure to be provided in the precinct;
  - (2) infrastructure affected by or required as a result of the development of the precinct; and
  - (3) how these items of infrastructure relate to the infrastructure agreements made for the DCP area;
- (h) provide a preliminary program showing for the various items of infrastructure:
  - (1) a preliminary program for infrastructure provision;
  - (2) the items to be provided;
  - (3) the intended provider;
  - (4) other works dependent on its provision;
  - (5) estimates of when they will need to be provided; and
  - (6) any other relevant information
- (i) any other relevant information.

The precinct plan is intended to show with some certainty the way in which the precinct will be developed. The precinct plan will not necessarily define the final nature or location of specific land uses nor will it show the final location and extent of road and open space networks. However, it will locate them in a way which enables Council and

the public to determine with sufficient certainty that the development of the precinct will be consistent with the planning intents of this DCP and the structure plan. A precinct plan need not include land for the provision of infrastructure which is located outside the precinct.

The precinct plan or any supporting plans and illustrations must also provide information (where relevant) about the indicative location of:

- (a) major road corridors and trunk collector streets;
- (b) major access points to road networks;
- (c) major recreational paths;
- (d) community services and education facilities;
- (e) access to community services and education facilities;
- (f) major open space provisions including the town park if applicable;
- (g) village and local parks and other local open space (indicated symbolically);
- (h) medium density housing;
- (i) prime mixed use areas in the town centre frame;
- (j) character areas in the MIBA;
- (k) possible high rise development sites;
- (l) items of infrastructure relevant to the precinct.

### 2.3.3 Requirements for Application

An application for approval of a precinct plan must:

- (a) not be made until a pre-lodgement meeting has been held with relevant Council officers;
- (b) be in the form approved by Council;

- (c) be accompanied by the application fee applicable at the date of submission of the application, and sufficient supporting information to reasonably allow Council to properly consider the application;
- (d) include the proposed precinct plan; and
- (e) if it makes provision for State Government infrastructure, be accompanied by evidence acceptable to Council that the relevant State Government department(s) have approved that infrastructure.

### 2.3.4 Approval of Precinct Plan

A precinct plan must be approved by Council prior to approval of a sector plan and before development is approved.

The principal developer may at any time lodge with Council for approval a precinct plan for a precinct within any part of the DCP area chosen by the principal developer which area will then be known by the name of the precinct designated on the precinct plan.

The Council must decide to:

- (a) approve the precinct plan;
- (b) approve the precinct plan subject to conditions; or
- (c) refuse to approve the precinct plan.

The Council must not refuse to approve the precinct plan except where:

- (a) the State Government's agreement to relevant infrastructure shown on the precinct plan has not been obtained, or
- (b) insufficient information has been provided with the application to reasonably allow Council to approve the application, or
- (c) the precinct plan or some feature of it conflicts with any agreements for the provision of infrastructure; or
- (d) the precinct plan or some feature of it conflicts with:

- (1) the structure plan;
- (2) the desired environmental outcomes or the planning or development intents if relevant; or
- (3) Council's town planning and development design provisions, policies and codes to the extent they have not been modified by, or pursuant to, this DCP;
- (4) An approved Development Coordination Plan

and there are not sufficient planning grounds to otherwise justify approving the plan.

The Council must decide the application within 40 days of the plan being lodged for approval and notify the principal developer within seven days of its decision.

If Council fails to decide the application within the period mentioned above, the precinct plan is taken to have been approved without conditions

For the avoidance of doubt, if Council refuses an application to approve a precinct plan, then the principal developer may appeal to the Planning and Environment Court as though it were an application under section 7.1(1)(b) of the PEA.

Conditions may only be imposed by Council to the extent they are relevant to or reasonably required by the approval of the precinct plan and if they are required to give effect to a provision of this DCP or a term of an infrastructure agreement.

### 2.3.5 Amendment of Precinct Plan

At any time the principal developer, by lodging with Council an amended precinct plan, may amend:

- (a) a precinct plan; or
- (b) that part of a precinct plan not subject to an approved sector plan; or
- (c) that part of a precinct plan subject to an approved sector plan but in which sector no land has been sold.

The provisions of Clauses 2.3.2, 2.3.3 and 2.3.4 apply to the preparation and approval of an amended precinct plan. In addition, where a sector plan has been approved in the precinct to which the amendment application relates, the Council must have regard to the impact of the proposed amendment on matters flowing from the prior approval of the sector plan.

For the avoidance of doubt,

- (a) an amended precinct plan may vary the area of the precinct by adding to or deleting land from it, and
- (b) Council must not approve an amendment to a precinct plan which is at variance with an approved sector plan within that precinct in which sales of land have been made. Unless an application, which shall be treated as if the application is an application for a development permit requiring impact assessment, is made and the provisions of Chapter 3 Part 4, Part 5 and Chapter 4 Part 1 Division 8 of IPA shall apply.

**2.3.6 Development Co-ordination Plan**

A development co-ordination plan may be prepared by the principal developer and submitted for Council's approval to provide detailed planning of one or more major elements of the proposed development in order to provide a process for approval by Council of those major elements of the development in advance of more detailed land use planning. A development co-ordination plan may be utilised where an element crosses from one precinct to another. For example, a development co-ordination plan may relate only to location of major open space within the DCP area or the location of pathways, bikeways or road networks, or for environmental management purposes.

The provisions of clauses 2.3.2, 2.3.3, 2.3.4 and 2.3.5 apply to the preparation, approval and amendment of a development co-ordination plan.

**2.4 Sector Plans**

**2.4.1 Purpose**

A sector plan is the final plan in the plan making process and gives effect to the overall planning of the DCP area. A sector plan brings together in a final, cohesive, integrated manner all components required to determine development and use of land in the sector. A sector plan is the code of development for land in the sector and forms the basis for assessment of development applications and self assessable development. The approved sector plan may set particular development standards and provisions for development in the sector which may be different from and not necessarily consistent with Council's planning scheme, local laws, policies and codes as envisaged by clause 1.11 of this DCP. Each sector plan will be considered on its merits and approval of particular development standards in a previous sector plan will not necessarily be grounds for approval in a subsequent sector plan. In this regard, Council will have regard to the outcome of implementing special development standards in the Mango Hill development to ensure a high quality of amenity is maintained.

**2.4.2 Contents of Sector Plan**

A sector plan must contain provisions for the control of development in the sector which are to include:

Plans showing :

- (a) the cadastral boundaries of the sector;
- (b) the relationship of the sector to the relevant precinct;
- (c) the location of infrastructure existing and proposed;
- (d) the boundaries of all land use elements contained within the sector plan area. Upon the approval of the Sector Plan, the boundaries of the land use elements shown on that Sector Plan shall be fixed.
- (e) an indicative subdivision of the land including the road layout (which the approval of the final subdivision will be assessed against);
- (f) staging of the subdivision proposed for the sector (if required);
- (g) access points to the sector and to each proposed lot (if required);

(h) location of recreational paths and pedestrian thoroughfares;

(i) location of community facilities;

(j) location and nature of all proposed uses including building envelope(s);

(k) landscape design (the landscape plan, developing the detail of landscaping shown in the landscape concept plan at the precinct plan stage);

(l) areas to be provided for park and open space and details of the open space system including the type, location, extent and the key open space components to be provided at the time of development; and

(m) intended type of development and any specific planning or development controls which apply to the various types of development and which are more simply shown on plans, for example, intensity of development in MIBA character areas.

Specify for land in the sector:

(a) land use rights;

(b) development requirements;

(c) design and siting guidelines;

(d) landscaping guidelines;

(e) signage guidelines;

(f) car parking requirements;

(g) development densities;

(h) that part of any environmental management plan which must be constructed in conjunction with development in the sector;

(i) any matters required by this DCP to be included in a sector plan;

(j) requirements for subdivision including minimum lot areas and frontage widths.

The sector plan must :

(a) contain statements about:

- (1) the infrastructure to be provided in the sector ; ~~and~~
  - (2) infrastructure affected by or required as a result of the development of the sector; and
  - (3) how these items of infrastructure relate to the Infrastructure Agreements made for the DCP area;
- (b) provide a detailed program showing for each item of infrastructure:
- (1) the estimated date on which the particular infrastructure item is to be provided;
  - (2) the intended provider;
  - (3) other works dependent on its provision; and
  - (4) any other relevant information.

### 2.4.3 Approval of Sector Plan Prior to Development

Before development is carried out on land within the DCP area or before an application for development approval is made, a sector plan which includes that land must be approved by Council as provided by this section.

A sector plan may only be for any part of the DCP area included on a precinct plan, must be prepared by the principal developer and must include the information required by this DCP. A sector plan need not include land for the provision of infrastructure which is located outside the sector

### 2.4.4 Requirements for Application

An application for approval of a sector plan must:

- (a) not be made until a pre-lodgement meeting has been held with relevant Council officers;
- (b) be in the form approved by Council;
- (c) be accompanied by the application fee applicable at the date of submission of the application, and sufficient supporting information to reasonably allow Council to properly consider the application;

- (d) include the proposed sector plan; and
- (e) be accompanied by the information required by law for development applications if such an application is also being made in conjunction.

### 2.4.5 Approval of Sector Plan

In relation to each application made for the approval of a sector plan, the Council must decide to:

- (a) approve the sector plan;
- (b) approve the sector plan subject to conditions; or
- (c) refuse to approve the sector plan.

The Council must not refuse to approve a sector plan except where:

- (a) insufficient information has been provided with the application to reasonably allow Council to approve the application; or
- (b) the sector plan or some feature of it conflicts with any infrastructure agreements; or
- (c) the State Government's agreement to relevant infrastructure shown on the sector plan has not been obtained; or
- (d) the sector plan or some feature of it conflicts with:
  - (1) the precinct plan;
  - (2) the desired environmental outcomes or the planning or development intents if relevant; or
  - (3) Council's planning scheme, local laws, policies and codes to the extent they have not been modified by, or pursuant to, this DCP,
  - (4) An approved Development Coordination Plan

and there are not sufficient planning grounds to otherwise justify approving the plan.

The Council must decide the application within forty (40) days of:

- (a) the application having been made to it; or
- (b) the receipt of further particulars as it may have requested

and notify the principal developer within seven (7) days of its decision.

If the Council fails to decide an application within the period referred to above, the sector plan is to be taken to have been approved without conditions.

For the avoidance of doubt, if Council refuses an application for approval of a sector plan, then the principal developer may appeal to the Planning and Environment Court as though it were an application under section 7.1(1)(b) of the PEA.

Conditions may only be imposed to the extent they are relevant to, or reasonably required by, the approval of the sector plan and if they are required to give effect to a provision of this DCP or a term of an infrastructure agreement.

Conditions imposed under the provisions of this DCP attach to the land in the sector to which they relate and are binding on successors in title to that land.

## **2.4.6 Management Lots**

Despite the provisions of clause 2.4.1 a sector plan containing lots marked "Management Lots only" may be approved to allow creation of allotments for management purposes only. Where Council approves of the creation of "management lots", it may require appropriate security to ensure these allotments are not sold, used or developed. A management lot may not be sold, used or developed for any purpose, other than an existing lawful use or an approved interim use, until a sector plan which provides for its use and development has been approved as required by this section. Despite the provisions of this clause a management lot may be transferred to Council or the Crown without first having a sector plan approved which provides for its use and development.



## 2.4.7 Amendment and Revocation of Approval of a Sector Plan

An approved sector plan may be:

- (a) amended by the approval of a subsequent plan; or
- (b) revoked by Council at the request of the principal developer.

If:

- (a) the amendment to the plan is minor and in the opinion of the Council the amendment would not adversely affect any person; or
- (b) revocation of the plan would not, in the opinion of the Council, adversely affect any person;

then the Council must approve the subsequent plan or the revocation of the plan.

Council must decide an application under this clause within forty (40) days of the application having been made to it and must notify the principal developer within seven (7) days of its decision.

If the Council refuses an application made to it under this clause or if the proposed amendment to a plan is not minor, then the principal developer may make application to the Council for consideration and determination of the sector plan amendment or revocation as if the application were an application for a development permit for impact assessment and the provisions of Chapter 3 Part 4, Part 5 and Chapter 4 Part 1 Division 8 of IPA apply.

Upon amendment, the amended plan supersedes the previous plan.

## 2.4.8 Sector Plans to Indicate Adjacent Development

It is the Council's intention that within the urban residential areas purchasers of land or development within a sector for which an approval has been given by Council will have a clear impression of the nature of development which will occur on land in the vicinity of the land in which they are interested. Within the urban residential areas, therefore, a sector plan must show

indicatively the nature of intended development for land in the DCP area within 100 metres of the sector boundaries, except for that part of a sector that abuts a major road or major open space which adjoins land in the Urban Residential area.

It will be sufficient reason for Council to refuse to approve any subsequent adjacent sector plan if it does not substantially conform with the clear impression of the nature of development indicated on an approved sector plan, unless that sector plan has been amended in accordance with clause 2.4.7 of this DCP.

## 2.4.9 Final Specification of Land Use Rights

A function of the plan making process is to allow for the final specification of land use rights for land in a sector.

Final land use rights in each sector are to be specified from the supplementary tables of development for the relevant land use element. A sector plan may for land in the sector limit Column B purposes for which that land may be used subject to conditions. If a sector plan nominates one or more but not all of the Column B purposes set out in the supplementary table of development for the relevant land use element, then those purposes not so nominated become permissible development.

The supplementary table of development for each land use element contains the permitted (subject to limitation by a sector plan), permissible and prohibited development in that element.

For each land use element:

- (a) the purposes for which development may be carried out without the consent or approval of the Council and without conditions being able to be imposed are the purposes under the heading 'permitted development' (Column A);
- (b) the purposes for which development may be carried out (subject to limitation by a sector plan) without the consent of the Council but in respect of which conditions may be imposed by the Council under section 4.1(5) of the Act are the purposes under the heading 'permitted development subject to conditions' (Column B);
- (c) the purposes for which development may be carried out only with the consent of the Council are the

purposes under the heading 'permissible development' (Column C); and

- (d) the purposes for which development may not be carried out are the purposes under the heading 'prohibited development' (Column D).

## 2.5 Lodgement of Plans and Applications

A plan or application may be lodged and considered:

- (a) concurrently with another plan or application; or
- (b) following another plan or application,

although its approval is dependent on approval of that other plan or application.

Council must not approve a plan or application until a preceding plan or application on which it is dependent has been approved and the time for approval of that plan or application is to be calculated from the date of approval of the preceding plan or application. To remove any doubt the IDAS processes and time frames for development applications do not commence until the preceding plan, upon which the application is dependent, has been approved by Council. However, this does not limit the concurrent consideration and approval of plans and applications by Council should all of the relevant provisions of the DCP and IPA have been complied with and the Council is in a position to undertake such consideration and issue an approval. However, and to remove doubt, at no time is there to be more than one precinct plan and one sector plan in existence for each part of the DCP Area.

Despite any provision of this DCP, where combined or dependent applications are lodged, the times for approving plans and applications will be the sum of the periods for their approval as provided either in this DCP or by law.

In assessing an application which was dependent on approval of a prior plan or application the Council must have regard to that prior plan or application.

## 2.6 Development Master Plan

The principal developer must, from time to time, lodge with Council a development master plan.

A development master plan must show to the extent possible the consolidation of information shown on the structure plan, each precinct plan and sector plan, and sealed plans of subdivision. When a plan of subdivision has been sealed, the sector plan is to be updated to show the actual subdivision boundaries. It may also be updated in regard to other relevant information. The intention is that the development master plan is to be an accurate record of the extent of subdivision actually completed and the location and extent of precinct plans, sector plans or sealed plans of subdivision approvals current at any time, all set against the background of the current structure plan.

The principal developer must deliver to Council the first development master plan within fourteen (14) days of Council approving the first precinct plan. Further versions of the development master plan must be delivered by the principal developer to Council within fourteen (14) days of Council approving further precinct plans and sector plans, provided that the principal developer is not required to provide updated versions more frequently than once every three (3) months. The principal developer may deliver more up to date versions of the plan at any time.

The latest version of the development master plan lodged with Council supersedes former development master plans.

The development master plan is a plan of record only. It does not form part of this DCP and is not to be taken to be a regulatory map.

## **2.7 Information for Prospective Purchasers**

The principal developer must until the DCP area is fully developed provide in a prominent location within the DCP area a substantial information display, housed within an appropriate building, for potential purchasers of land or improvements within the DCP area. The display, amongst other things, must be open to the public during normal business hours generally seven days per week. It must prominently display:

- (a) the Planning Study and this DCP;
- (b) a copy of the current development master plan, together with any current precinct, sector, or subdivision plan approvals not shown on the development master plan; and
- (c) appropriate supporting information to reflect the overall planning intents of the DCP, as they will be implemented in practice in the development of the DCP area.

# 3 MANGO HILL DEVELOPMENT STRATEGY

## 3.1 Introduction

### 3.1.1 Background

As described in sections 1 and 2 it is intended that the DCP area be developed as a master planned community, particularly given its advantage of strategic location, size and single ownership. The town planning approach will be comprehensive in that it will encompass a wide range of physical, social and economic needs of a community. The subsequent development will be co-ordinated so that the required facilities and services will be planned in relation to one another and will be provided in an integrated and timely fashion. The basic objective, therefore, is not only to produce a fully serviced development but also to engender an enduring sense of community on the part of residents which gives them strong collective feelings of identity and ownership.

Prior to its preparation for development, the DCP area was used over a long period of time as a commercial pine plantation which was subsequently cleared of plantation timbers in 1993-94. This previous activity has meant that few areas of environmental value remain undisturbed. The current condition of the DCP area together with the fact that it is a large site in single ownership, offers the potential for development to occur in a cohesive manner to create a town of about 25,000 inhabitants (approximately 9,500 households) with clearly marked boundaries and entry points coupled with a distinctive identity relative to surrounding land use patterns. When fully developed the DCP area will be comparable in size to a provincial Queensland town, such as Maryborough, and will strive to establish its individual identity in much the same way, that is, by virtue of its layout, building design, landscape character and mix of social and economic activities.

The development of the DCP area will draw on 'best practice' experience from comprehensively planned urban development projects in Queensland, such as Robina, Forest Lake and Kawana Waters, as well as from other Australian and overseas 'new towns' and master planned communities. There is agreement between Council and the principal developer that a comprehensive and co-ordinated planning and

development approach will be more efficient and produce a better quality living environment than the more conventional 'piecemeal' approach associated with small sites and fragmented land ownership which inevitably gives rise to infrastructure inefficiencies.

Apart from its large size and single ownership, the DCP area has a highly strategic location in terms of being bounded on one side by the Bruce Highway, which is the main national highway linking Brisbane to North Queensland. It is also within 30 minutes travel time to the International Airport, the Port of Brisbane and the Brisbane CBD, and is an integral part of the fastest urbanising region in Australia.

In the light of these favourable attributes the DCP area has good prospects for attracting employment-generating activities particularly in the rapidly growing tertiary sector of the national economy. It is intended that one of the two Major Employment Centres proposed in the Shire will be developed progressively within the DCP area, in accordance with provisions of the strategic plan. This will take the form of a town centre and an associated mixed industry and business area both with close connections to the Bruce Highway, the regional arterial road network and to metropolitan area public transport systems. It is estimated that at full development, the DCP area will provide up to 13,000 employment opportunities.

The development of the DCP area will recognise ecologically sustainable development (ESD) principles. In practice this means two main environmental objectives will be pursued. One is the regeneration of vegetation along natural drainage lines and in conservation and open space areas in order to re-establish native habitat. The other is the management of water quality so that stormwater and urban run-off discharges from the DCP area into the Saltwater Creek catchment will meet specified environmental standards. In the longer term, and depending on the availability of viable technology and levels of community acceptance, various resource conservation measures could be introduced progressively in pursuit of sustainability objectives.

The co-ordinated planning and development approach intrinsic in a master planned community offers good prospects for achieving practical ESD objectives.

### 3.1.2 Development Character

The urban development pattern envisaged in the DCP area will incorporate a number of town planning ideas which, in general, have the common aim of balancing human needs with the needs of the natural environment. For example, attitude surveys of Shire residents by Council indicate an appreciation of the semi-rural character of the Shire. An urban-rural balance of this kind can be achieved by the application of planning principles in which residential areas are generously landscaped and linked to one another by a continuous open space system including parks and playing fields. The detailed planning of residential villages will apply modified 'neighbourhood unit' concepts in which the layout of housing, streets and pathways will focus on local open space. Within the urban residential areas, a number of villages will focus on community centres typically containing a primary school, convenience shops, community services, community parks and playing fields all of which tend to draw residents together in common interest activities.

Other key town planning concepts have application in relation to transport and circulation systems, and public open space provisions. The DCP accordingly makes provision for a hierarchical road network in which the physical character of the street is a reflection of its traffic function, for example, with narrower pavements and closer-knit landscaping being relied upon in residential streets to slow traffic down but with multiple lanes, no frontage access and large scale landscaping on major roads catering predominantly for through traffic.

The major focus of the intended urban pattern for the DCP area is the proposed town centre which because of its development intensity, land use mix and location at the hub of the internal road and public transport network, will draw residents from within the Mango Hill development, as well as from the Pine Rivers-Caboolture-Redcliffe sub-region, by virtue of its role as a supply source of goods and services as well as being part of a major employment centre. In a complementary fashion the DCP also makes provision for a mixed industry and business area (MIBA), as part of the Major Employment Centre, which will contain a wide range of service industry, research and development and institutional uses normally requiring larger sites at lower rents than are likely to be found in the town centre.

The DCP does not require conformity with specified architectural styles. It relies instead on the use of guidelines to influence and, where

appropriate, to control such things as building designs, subdivision layouts, landscaping, signage, street lighting and engineering structures. These guidelines might typically define adopted design objectives and how these might best be achieved quantitatively, through the use of building setbacks and height limits, for example, and qualitatively by means of specified ranges of materials, colours and textures coupled with the use of landscape and urban design elements, such as paving materials, street furniture, public lighting and the like.

There is evidence to suggest that harmonious built environments set within a leafy background of street trees, private gardens and landscaped public open space, help to engender a strong sense of community ownership and pride. Attractive living areas together with easy access to both local and regional open space enhance the ability of an area to attract businesses which can generate skilled employment opportunities. There is an inter-dependence between the environmental objectives of the DCP, on the one hand, and its social and economic objectives on the other.

### 3.1.3 Integrated Development

The DCP area will be subject to a comprehensive planning and co-ordinated development process with the aim of producing a master planned community with all of the physical, social, environmental and economic advantages which this brings. Such an approach is not just confined to subdivision, land servicing and the sale of lots to house builders in the conventional manner. It is also concerned with achieving a desirable outcome where the families who choose to live in the Mango Hill development benefit from a broad planning approach in which environmental, social and employment advantages are obtained.

The master planning approach will enable:-

- (a) the development of a Major Employment Centre in the form of a town centre which provides a wide range of retail and commercial services and a mixed industry and business area (MIBA) which provides complementary employment and business activities. Both the town centre with its major shopping centre and the MIBA will make significant contributions towards meeting the needs of Mango Hill residents as well as inhabitants and businesses located in the Pine Rivers-Caboolture-Redcliffe sub-region. A mix of land use and employment opportunities, such as recreation, entertainment, professional, technical and commercial support,

storage and distribution, and education are to be provided in the DCP area. The mix of land

uses and employment opportunities within the DCP area will be monitored by Council to ensure satisfactory progress is made by the principal developer in using its best endeavours to capture a share of higher order export oriented jobs;

- (b) the provision of high quality connections to the regional road and public transport networks to maximise their accessibility to key locations in the Brisbane metropolitan area and in the northern corridor;
- (c) the efficient and timely provision of engineering infrastructure and community facilities and services ; and
- (d) a wide range of housing choices of both traditional and contemporary nature, coupled with steady growth in the number and diversity of local job opportunities, sufficient to match workforce increases. The development of the DCP area will cater for the variety of lifestyle and employment needs which demographic forecasts indicate will be necessary.

In summary, the desired outcome is to progressively bring into being, over a twenty year development period, a balanced community which is more than just houses and developed land. The best attributes of the traditional 'town' are to be realised in the Mango Hill development. That is to say, the development of the DCP area will comprise a Major Employment Centre in the form of a mixed-use town centre and MIBA, and safe and attractive living areas serviced with the necessary physical and social infrastructure, set within a landscaped and regenerated natural environment with high levels of accessibility in terms of roads, public transport, cyclepaths and linked pedestrian networks.

3.2 Desired Environmental Outcomes

3.2.1 General

The overall development goal for the DCP area is to create an integrated community living and working in an environment which:

- (a) is ecologically sustainable;
- (b) provides competitive and distinctive employment opportunities for the community, the Shire and the region;
- (c) provides high standards of amenity, lifestyle opportunities and safety in accordance with basic physical, social and economic needs;

- (d) is efficient and equitable in the provision of community services; and
- (e) is accessible and convenient to all who live and work there.

### 3.2.2 Specific

The specific desired environmental outcomes for the DCP area are:

- (a) to achieve efficient urban development through the adoption of comprehensive and integrated planning and a co-ordinated approach with development carried out in an orderly manner having particular regard to the timely, efficient and economic provision of engineering and social infrastructure;
- (b) to develop an environmentally sustainable community of about 25,000 people in a number of residential villages conveniently located to a range of community facilities and to the transport network;
- (c) to establish a sense of community and development identity which is coherent and identifiable within the local area and the region;
- (d) to facilitate and encourage a diversity of appropriate employment opportunities in the DCP area and the region through the establishment of a Major Employment Centre comprised of the town centre core and frame, and the MIBA;
- (e) to provide for major shopping, entertainment and leisure, and community needs of a regional population and the DCP area population through the provision of a major shopping centre within the sub-regional centre. (The term "sub-regional" has the same meaning as in the Strategic Plan);
- (f) to produce an urban environment which conforms with the principles of ecologically sustainable development through protection and enhancement of areas of conservation value linked through the open space network to provide potential fauna corridors, management of stormwater drainage and water quality, acknowledgement of air quality and acoustic impacts from adjoining features,

- and adoption of best management practices during the design and construction phase of development;
- (g) to provide a diverse range of housing choice in terms of type, density, layout and affordability;
- (h) to provide a full range of community facilities and services in accordance with the needs of residents;
- (i) to produce a development which is integrated with existing and intended future road networks and public transport services;
- (j) to provide medium density and some high density residential development within the town centre, and possibly medium density residential development at locations within close proximity to local community facilities;
- (k) to recognise significant natural features and remnant native vegetation on the DCP area as a basis for defining the open space network and enhancement through sensitive landscape planning;
- (l) to provide conservation and rehabilitation measures for that part of the DCP area adjacent to the Saltwater Creek environmental park and the most northern open space corridor extending from the Bruce highway to the northern boundary of the DCP area in recognition of its environmental significance; and
- (m) to incorporate advanced communications technology in the development of the DCP area, where feasible.

Measures that facilitate the desired environmental outcomes to be achieved are expressed through the design and siting principles and other development control measures established in sections 4 - 10 inclusive, in any infrastructure agreement and in any approved sector plan.

## 3.3 Key Instrument of the DCP

The key instrument of this DCP is the structure plan which is intended to show those key elements of development which are enduring. This is the fundamental planning guide for the DCP area, providing a reliable long term basis for on-

going, detailed land use planning and urban design.

Through the structure plan, the DCP area is broadly divided into a number of land use and structural elements upon which the development will be based. These elements are:

- C Town Centre Core;
- C Town Centre Frame;
- C Mixed Industry and Business Area (MIBA);
- C Major Community Facilities;
- C Local Community Facilities;
- C Urban Residential Areas;
- C Major Open Space;
- C Proposed North-South Arterial Road;
- C Major Roads;
- C Possible Boundary Road Deviation;
- C Highway Corridor;
- C Possible Public Transport Corridor.

The planning intent for each of these elements is set out in the following sub-sections.

### **3.3.1 Town Centre Core**

Land in the town centre core is shaded blue on the structure plan.

The town centre core is intended to provide the focus for major retail, commercial, cultural, entertainment, leisure, and related development, possibly integrated with high density residential accommodation in either stand-alone buildings or as part of mixed use developments.

The town centre core will become the focus for a Major Employment Centre in the northern growth corridor. The intentions for the Major Employment Centre are:

- (a) to attract and consolidate a variety of higher order local and regional employment at a highly accessible location in the regional transport network;
- (b) to encourage a diversity of appropriate employment opportunities through a mix of public and private sector activities.

Implementation of the Major Employment Centre intentions will be achieved through a comprehensive process of integrated master planning.

The town centre core is intended to meet the need for provision of higher order goods and services in the northern growth corridor in addition to meeting the needs of the DCP area. An integral component of the town centre core is a single major shopping centre, which will provide highly developed shopping, entertainment and leisure facilities. A bulky goods centre also is to be established in a town centre core location adjacent to the major shopping centre.

The town centre core is intended to include highly developed community facilities including recreation facilities. A community, recreation and leisure centre and a public transit centre will be located in either the town centre core or frame. High density residential development will also be appropriate in this land use element.

The town centre core will be accessible to the DCP area and to the region through a highly developed road transport system.

### **3.3.2 Town Centre Frame**

Land in the town centre frame is shaded dark pink on the structure plan.

The town centre frame is intended to provide for a wide range of support activities and services to the town centre core together with various forms of medium and high density residential. A primary focus of development in the town centre frame, like the town centre core, is to support the creation of a Major Employment Centre in the northern growth corridor of the Shire. The range of employment opportunities in the town centre frame is more likely to be oriented towards service and support activities rather than the higher order retailing and business activities found in the town centre core.



The predominant activities and services likely to be found in the town centre frame include:

- (a) medium to high density residential;
- (b) areas of open space including the town park;
- (c) further business and commercial support services;
- (d) lower-order retail to serve the needs of residents and the workforce in the core and frame areas;
- (e) education, health and community services;
- (f) service trades;
- (g) entertainment and recreation facilities;
- (h) possibly emergency services facilities;
- (i) specialist retailing and business services, particularly those linked to personal services, product maintenance or distribution, and the like; and
- (j) other appropriate uses.

within a landscaped garden setting. The MIBA, through its role and proximity to the

### **3.3.3 Mixed Industry and Business Area (MIBA)**

Land in the mixed industry and business area (MIBA) is shaded purple on the structure plan.

The MIBA is intended to provide a broad range of commercial and professional services, office services and service trades, technology manufacturing and servicing, tertiary level and other educational facilities, tourist and recreational facilities, and institutional and community uses, all in a managed landscaped environment enjoying high exposure and accessibility to the Bruce Highway. It is intended that this area be developed in an integrated manner, maintaining a high standard of siting, design and internal landscaping. Development of sites fronting the Bruce Highway will incorporate a landscaped building set-back area to present an integrated and attractive frontage and to ameliorate highway impacts.

The form and intensity of MIBA development characteristically will be low to medium rise with the potential for occasional high rise, all developed

town centre, will reinforce the creation of a major employment centre in the DCP area.

The MIBA will be highly accessible to the DCP area, the town centre, and to the region through a highly developed road transport system.

### **3.3.4 Major Community Facilities**

Land for major community facilities is shaded yellow on the structure plan.

The major community facilities designation is intended to identify the preferred location in the DCP area for secondary education facilities, as well as possible social and community services, and health, recreational and entertainment facilities. Government and private secondary education facilities are intended to be linked through shared campuses with the potential for sharing of certain facilities (e.g. ovals and libraries) with the wider community. Where practicable major community facilities are to be accessible from the transit centre and linked to the major road network and possibly the town centre. Other connections with the open space network and the path network are also intended.

In addition, a range of local community facilities may be provided to serve the needs of residents in nearby residential villages.

The timing for the development of these facilities is to be in accordance with agreements with the relevant service providers.

### **3.3.5 Local Community Facilities**

Land for local community facilities is notionally indicated with a star over urban residential areas on the structure plan.

The local community facilities element is intended to provide a wide range of community and education facilities for the delivery of primary education, local shopping, sporting and recreational services, and social and community services to the growing population of the DCP area and adjacent areas (eg Mango Hill village). These are to be provided in accordance with agreements which must be entered into to ensure the appropriate and timely provision of a range of community facilities. These facilities are to be located conveniently to the community they are intended to serve and will be provided within the urban residential areas. Local community facilities

also may be provided within major community facilities, the MIBA and the town centre.

Local community facilities within the urban residential areas are intended to offer an appropriate range of shopping and commercial services integrated with the open space areas and the road transport networks. The role and function of each centre is intended to be limited to the provision of convenience services with higher order services being provided by the town centre and the MIBA. It is intended the local community facilities be highly accessible from a network of paths, roads and open space connections.

### **3.3.6 Urban Residential Area**

Land in the urban residential area is shaded pale pink on the structure plan.

The urban residential area is intended to provide for a wide range of housing types in residential villages, groups of which are to be served by convenient local community facilities and/or the range of facilities within the town centre. The intended choice in housing will include detached houses on a range of small and traditional lot sizes, townhouses and various forms of medium density multiple dwellings. Each dwelling unit is intended to be located conveniently to community facilities, the public transport system and public open space.

Low density residential development of fully serviced lots with a median size of 1250m<sup>2</sup> is intended where it is desirable to provide a buffer or transition between areas of closer urban residential development and areas of ecological value or external areas designated for industrial purposes.

Local community facilities may be provided within the urban residential areas as notionally indicated on the structure plan.

### **3.3.7 Major Open Space**

Areas of major open space are shaded green on the structure plan. Other areas of open space primarily within the urban residential areas will be shown on the precinct and sector plans. Some of these open space areas will form the primary environmental corridors through the DCP area. However, the previous land management regimes of the DCP area, particularly the pine plantation, has resulted in a highly modified environment. To accommodate an urban community of some 25,000 people, a high degree of transformation is

anticipated in the open space areas to provide for a multitude of purposes including passive and

active recreation, environmental corridors, environmental management areas and pedestrian and cycle networks. Wherever possible and relevant, the maintenance of these areas in as near to natural condition as possible will be an important consideration in the establishment of other uses which will have a detrimental impact on their primary value.

Major open space areas are intended to provide a wide range of recreational and sporting opportunities within the DCP area in addition to conserving areas of known cultural or environmental value. Major open space is to be provided in the form of an environmental park incorporating the Saltwater Creek wetlands as part of the regional open space system, and district parks including linear parks. A hierarchy of community parks which are not shown on the structure plan will also be provided. Open space is intended to be developed progressively with the urban residential area to a high level with amenities and furnishings, physical infrastructure, and landscaping.

Apart from providing landscape enhancement, "breathing space" and recreation opportunities for the residential villages, open space also is intended to accommodate, conserve and protect areas of environmental value.

Because important ecosystems occur downstream from the DCP area, there is a need to ameliorate the potential for adverse impacts to pass from the DCP area. The Saltwater Creek system and its associated ecosystems need to be conserved and protected against the possible consequential impacts of site development. An appropriate area on the structure plan has been included as open space for this purpose.

### **3.3.8 Proposed North-South Arterial Road**

The proposed north-south arterial road is notionally indicated by a heavy black line on the structure plan.

The proposed north-south arterial road passing through the DCP area will fulfill a regional transport function identified by the Department of Main Roads. The designation is intended to illustrate generally the preferred alignment and connection points to Boundary Road and Anzac Avenue to the north and south respectively. Actual road location and design is subject to route location planning and detailed design to be undertaken with the

preparation of the relevant precinct and sector plans.

the form of building design and siting, and landscaping. Development within the corridor will require appropriate screening and buffering from traffic noise.

### **3.3.9 Major Roads**

Major roads are notionally indicated by dotted heavy black lines on the structure plan.

The structure plan designation indicates a possible network of major roads throughout the DCP area, linking the town centre core and the town centre frame with the urban residential areas, the mixed industry and business areas, the major and local community facilities and to external urban areas. The major road network is broadly intended to represent a modified grid arrangement providing north-south and east-west road connections across the DCP area. As highlighted by the dotted line of the major roads the designations are highly notional, with the number of major roads, the actual road locations and the overall design of the network being subject to topographic considerations, route location planning and detailed design.

### **3.3.10 Possible Boundary Road Deviation**

The possible Boundary Road deviation connecting Boundary Road to Anzac Avenue in Rothwell is notionally indicated by an unshaded dash line on the Structure Plan.

The Council, Department of Main Roads and principal developer are undertaking traffic and transport studies to determine the need for the road link. As the need for this link has not been established, the designation is indicative only and may be deleted from the Structure Plan map as a minor amendment should the studies indicate this deviation is not warranted. The studies will finally determine the need for the road link by approximately September 1998.

### **3.3.11 Highway Corridor**

The highway corridor is notionally indicated by large black dots on the structure plan.

The highway corridor abutting the Bruce Highway highlights land that may be impacted upon by traffic noise and emissions, and which has a visual impact upon the highway. It is intended that development within the designated corridor maintain a high standard of visual presentation in

The designated corridor does not signify specific land requirements of the Department of Main Roads, nor does it necessarily reflect any unpublished future State regional transport intentions.

### **3.3.12 Possible Public Transport Corridor**

The possible public transport corridor is notionally indicated by small black dots on the structure plan. The notional location for a possible future public transport corridor is a variation of the proposed Petrie to Kippa Ring rail corridor. Because the need, location and timing for the provision of this public transport corridor has not been determined, the designation is indicative only and may be deleted from the structure plan, as a minor amendment, should the Department of Transport not adopt an implementation program for the corridor by the 30 June 2000.

The option of a rail connection to the town centre has been provided, on the understanding the Transport Department will undertake a detailed study to commence in 1998/99 financial year to determine the public transport requirements and indicative programs for this part of the northern corridor. In the event the study confirms the viability of the railway or some variant of it, "appropriate measures" to protect the corridor and future transit centre will be undertaken. For the avoidance of doubt it is Council's intention that appropriate measures include adoption of an implementation program for the corridor by 30 June 2000. If constructed, it is intended to incorporate a station (if feasible) as part of a transit centre in the town centre. Town centre uses may be integrated into the construction of a transit centre.

## 4 TOWN CENTRE CORE

### 4.1 Desired Environmental Outcomes

#### 4.1.1 General

- (a) To provide a commercial and social centre for the new town and its surrounding area, containing major retailing, administrative, commercial, entertainment, community and leisure facilities and a mix of medium and high density housing.
- (b) To encourage the development of employment opportunities within the town centre core as a focus of the Shire's northern Major Employment Centre.

#### 4.1.2 Specific

- (a) To encourage vitality, viability and efficiency of the town centre core through a combination of a single major shopping centre of approximately 60,000m<sup>2</sup> gross lettable area (GLA), bulky goods retailing, other major commercial and community land uses and possibly high density residential development.
- (b) To provide opportunities for a wide range of employment for the local and wider community in the broad categories of commerce, retailing, entertainment and leisure, and community services.
- (c) To promote the establishment of the town centre core as a key component of a major employment centre which is integrated functionally and physically with other employment areas in the Kallangur/Mango Hill area, with the transit centre and regional transport system, and with the local and regional infrastructure system.
- (d) To encourage the provision of retailing, business services, entertainment and leisure, and community services in step with the

needs of the Mango Hill development and surrounding populations.

- (e) To promote the development of the town centre core in a managed, orderly and efficient manner, with infrastructure provided in accordance with infrastructure agreements between the State Government, the Council and the principal developer.
- (f) To promote the establishment of a town centre which is physically attractive and functionally convenient through the spatial arrangement, design and construction of its component parts.
- (g) To enable the progressive development of the town centre core by including provision for redevelopment and intensification of premises used for core functions and associated car parking areas at the time of development/preparation of sector plans.

### 4.2 Planning Intent

The town centre is intended to be developed as the physical, social, commercial and functional focus for the DCP area and the surrounding areas.

Within the town centre the core will include a combination of buildings, landscaped spaces and streets which provide for major social, cultural and economic needs of the population. The physical form of the town centre core will reflect the significance of its role and function in the region and will include major retail services and high order administrative and commercial services to the wider community.

The town centre core also provides a foundation for the Major Employment Centre in the northern area of the Shire. Over 5,000 jobs may be provided in the town centre (core and frame).

Establishing new business activities within the town centre will require an integrated planning approach in a mixed and flexible environment able to meet future employment needs and to respond to changing community needs and commercial trends.

Within the DCP area the town centre core is intended to accommodate the most intensive and

highest order activities in terms of retailing, commercial and professional services, community services, and entertainment and leisure services. In this regard, the town centre core and its surrounds will provide an alternative to other metropolitan employment centres for the location of tertiary services, including commercial offices.

The town centre core is expected to include:

- (a) a single major shopping centre of approximately 60,000m<sup>2</sup> GLA;
- (b) a bulky goods centre and retail showrooms up to a maximum 20,000m<sup>2</sup>;
- (c) supporting small scale incidental retailing in a main street environment;
- (d) high order business and commercial services;
- (e) high order administrative and community services;
- (f) high order entertainment and leisure activities including a cinema complex developed in conjunction with the major shopping centre;
- (g) a transit centre;
- (h) public spaces, plazas and landscaped open space; and
- (i) possibly high density residential development.

The development of the major shopping centre will be staged and will evolve in step with changing trends in retailing, entertainment and other community services to be provided. Stage one Retail Floorspace (approximately 16,000 m<sup>2</sup> GLA) is intended to open in the year 2000 (first full year of trading 2001), the second stage Retail Floorspace (approximately 30,000m<sup>2</sup> GLA or not more than approximately 46,000m<sup>2</sup> GLA total in stages one and two combined) is intended to open in the year 2005 (first full year of trading 2006) and the third stage Retail Floorspace (approximately 8,500m<sup>2</sup> GLA or not more than approximately 54,000m<sup>2</sup> GLA in stages one, two and three combined) is intended to open in the year 2010 (first full year of trading 2011). Council recognises the need to retain a high degree of flexibility in planning for the development and redevelopment of

this major facility. The proposed staging of the major shopping centre is approximate only and will be subject to the commercial viability of the centre and ability of the market to support such a centre. The intended strategy described above may be varied by the Council upon the submission of a report to the satisfaction of Council which assesses the market potential and economic effects of the proposed modified staging.

The major shopping centre, integrated with high order administrative, commercial, entertainment and community uses via effective and efficient pedestrian links, will provide the catalyst for growth of the town centre and the attraction of high order employment opportunities in the administrative and commercial sectors.

Service and commercial activities supporting the town centre core and associated with the major employment centre are more appropriately located within the designated town centre frame.

The town centre core may also include high density residential development, most likely to occur in mixed use development with a commercial rather than a retail bias. Such development would provide a suitable transition from the high intensity town centre core to the moderate intensity, mixed uses in the frame area.

The landscaped open space and other public spaces situated within the town centre core also provide further transition from the high intensity commercial character to the medium and high intensity housing and mixed uses of the town centre frame. These open spaces will include highly developed pedestrian areas linking with the wider open space and pathway network.

The town centre core will be highly accessible within the regional transport network through the provision of a transit centre and connections with the road and possible future rail systems.

## 4.3 Development Intent

### 4.3.1 Development Character

The character of the town centre core is to be established principally through the precinct plans and implemented through sector plans containing specific design and siting guidelines for development.

Guiding principles in the planning, design and development of the town centre core include the integration of retail and non-retail core activities and an emphasis on pedestrian friendly environments.

Building forms are to reflect the functional and locational significance of the town centre core. A variety of building forms within generally low to medium rise envelopes are envisaged. In certain locations to be determined by the precinct plan, high rise buildings or structural elements may be appropriate within the townscape. The architecture preferably will reinforce the open facades which respond to the climate of South East Queensland. To avoid the adverse effects of extensive or lengthy facades, buildings and civic spaces will incorporate a range of architectural treatments, such as articulation on external walls, roof treatments, and the innovative use of building materials, colours and finishes. While a range of architectural and landscape treatments is encouraged for visual variety and interest, it is essential to achieve overall continuity and unity in the development of the town centre core. Of particular importance are the views of the major shopping centre from Anzac Avenue and the Bruce Highway.

In accordance with detailed design and siting guidelines to be established in the sector plans the town centre core will be developed so that the landscaped pedestrian environment is fully integrated with buildings. At ground level, the pedestrian environment is intended to provide extensive opportunities for social interaction, entertainment and leisure activities. In this regard, a high level of urban design is required to ensure visual interest and public safety.

Well designed pedestrian linkages throughout the town centre core are required to ensure the integration of the retail, commercial, administrative and entertainment functions with each other and public spaces and landscaped outdoor spaces, the transit centre and car parking facilities. This pedestrian environment may extend beyond the street system to include pathways, small parcels of open space and possibly a town square or major public space as the focal point. Landscaping generally will provide areas of shade for rest and shelter, visual interest throughout and visual themes linking different activity areas within the town centre core. Street treatments will provide active, safe and vibrant pedestrian environments.

The emphasis in development of the street system will give priority to pedestrians through the segregation of pedestrian thoroughfares from traffic. The street pattern generally will adopt a

grid as a starting point until the influences of topography and other considerations become paramount.

Car parking is intended to be provided in a combination of surface and structured facilities. In the early stages of development, public car parking in the town centre core will be provided in surface car parks. These car parks ultimately may be converted to development sites with car parking then accommodated in structures. Special consideration is to be given to the pedestrian and vehicle circulation systems surrounding the major shopping centre, particularly where drive through facilities are proposed, to ensure a legible, safe, pedestrian priority network is established.

Building services such as plant rooms, loading docks, and service bays must be readily accessible from the street system but must be screened from the pedestrian environment (from both safety and amenity aspects), with potential conflict points minimised.

### 4.3.2 Retail

The major shopping centre is to provide the activity focus for the town centre core and should be developed in a manner which is complementary to and supportive of other core and frame uses.

The major shopping centre, when completed, is intended to include high order comparison shopping through a full line department store, discount department stores, large supermarkets, a wide range of specialty shops, a cinema complex, other forms of entertainment, restaurants and a food court. The major shopping centre is expected to consist ultimately of approximately 60,000m<sup>2</sup> gross lettable area excluding cinemas, entertainment and leisure activities, commercial areas, shared loading docks, malls and public amenities (e.g. libraries, community areas, toilets and change rooms).

It is also expected that other forms of retailing will be necessary to support the role and function of the major shopping centre. These will generally be limited to a bulky goods centre and small incidental shopping. The bulky goods retail centre (up to a maximum 20,000m<sup>2</sup>) is intended to accommodate large, open plan, showroom style buildings with single floor display areas generally in excess of 1000m<sup>2</sup> and potentially as large as 10,000m<sup>2</sup> or more. The centre will cater principally, but not exclusively, to the 'home maker' market. A typical development within the bulky goods centre will sell generally bulky items



of a similar nature, such as home furnishings, electrical goods, sporting goods, hardware or building supplies. Retail development such as stand alone shopping centres, department stores, discount department stores, supermarkets and other major retail facilities which would compromise or diminish the role or function of major shopping centre are not intended in the bulky goods centre.

The town centre core is intended to function over extended hours to ensure the vibrance and vitality of the town centre core for town centre workers and residents of the DCP area and surrounding areas. All buildings, open spaces, pathways, civic spaces and public accessible car parking facilities must be designed to ensure public safety and convenience in order to achieve this objective.

### **4.3.3 Administrative and Commercial**

The provision of administrative and commercial services within the town centre is integral to the achievement of a major employment centre in the northern growth corridor. The inclusion of significant high order employment within the town centre is intended to reinforce its overall vitality. While the greater proportion of administrative and commercial services will be provided within the town centre frame, high order activities will generally be included in the town centre core.

The opportunity for mixed use development consisting of retail, commercial, administrative, entertainment and leisure, and high density residential is to be retained to ensure the town centre core is able to evolve with the community it is intended to serve.

The siting of such development also must be flexible to respond to the changing market pressures which influence the development of the town centre core.

### **4.3.4 Recreation, Entertainment and Leisure**

The town centre core is intended to provide highly developed recreation, entertainment and leisure facilities including public spaces such as a town square, cinemas, cafes and restaurants. A community recreation and leisure centre will be sited either within the town centre core or the town centre frame.

Public spaces and landscaped open space within the town centre core are to provide highly

developed gardens for unstructured leisure activities and for visual relief to the built form. Access to these spaces will be provided through the integrated network of pedestrian thoroughfares, paths and streets of the town centre core. The public spaces should be integrated with a town park extending into the town centre frame which may also include an ornamental water body. This water body, if provided may also perform an environmental management function.

Commercial entertainment and leisure facilities, such as cinemas, restaurants, night clubs, art galleries and the like must be located conveniently to the pedestrian network, to the public transport interchange and to public car parks.

The composition of the community recreation and leisure centre is to be determined in negotiations between the Council and the principal developer in the context of the infrastructure agreement. These public recreation facilities must be highly accessible to the public transport system via the transit centre, as well as to the road network and path system within the DCP area.

### **4.3.5 Residential**

The town centre core may provide some high density housing. The maximum density for high density residential is 80 units per hectare. The density is calculated by dividing the number of existing or proposed dwelling units or lots by the site area.

### **4.3.6 Public Transport Corridor**

Preliminary planning by the Department of Transport indicates that a possible public transport corridor might pass through the DCP area, and specifically through the town centre core and frame. No detailed planning has been undertaken by the Department of Transport to refine the location or timing of the possible route. The feasibility of this corridor and station will be the subject of a State Government public transport study to commence in the 1998/99 financial year. However, if the Department of Transport has not adopted an implementation program for the corridor by the 30 June 2000 the accommodation of the possible route notionally shown on the structure plan will no longer be required in the planning and development of the town centre.

The Department of Transport (DOT) agrees that construction of the first stage of the shopping centre will not be delayed due to requirements of

DOT if sufficient land to accommodate the possible future public transport corridor and transit centre in the town centre core is preserved until the outcome of the Department's Public Transport Study in 30 June 2000.

4.4 Design and Siting Measures

Design and siting measures will ensure a comprehensive and integrated approach to development and so achieve the character intention for the town centre core. Design and siting measures will be provided in the sector plans. Design and siting issues to be addressed in the sector plans include:

(a) Building set backs:

- (1) Other than the major shopping centre, where practicable, small scale building shop fronts are to be developed up to the alignment of a pedestrian thoroughfare, except where outdoor dining or other leisure activities are proposed;
- (2) Buildings may be developed up to a road frontage within the town centre core providing that building services are adequately screened from the street and all other areas are landscaped in a comprehensive and integrated manner.

(b) Site coverage

Buildings may occupy a total site within the town centre core, providing that:

- (1) any required pedestrian thoroughfares are accommodated within the site;
- (2) adequate pedestrian shelter is provided to a pedestrian thoroughfare at ground level;
- (3) adequate pedestrian facilities are provided at ground level;

- (4) open space is provided in accordance with the infrastructure agreement; and
- (5) sufficient on-site car parking is provided.
- (6) appropriate landscaping is provided in accordance with the provisions of clause 4.4 (d) - Landscaping/Townscaping.

(c) Building design

- (1) Preferred building forms will include:
  - C continuous pedestrian shelter for the frontage to a pedestrian thoroughfare whether provided as a free-standing shelter or as part of a building shop front;
  - C open framed appearance possibly with layered facade treatments;
  - C recessed windows in external walls;
  - C where practical, outward orientation of some shop fronts of the major shopping centre to provide integration of the major shopping centre with other core and frame uses; and
  - C articulation in lengthy facades;
- (2) The primary facade of a building preferably will address a pedestrian thoroughfare whether or not the thoroughfare is located within a street. The facade of a building addressing a street which does not contain a pedestrian thoroughfare, must still present an attractive and variable facade in keeping with adjacent development;
- (3) Preferred building forms will complement and integrate with those of adjacent buildings in terms of their architecture, height and bulk;

- (4) Building heights generally will be low to medium rise with occasional high rise development on identified sites;
  - (5) Orientation to reduce energy requirements.
- (d) **Landscaping/Townscaping**
  - (1) Adequate landscaped areas are to be provided to create a landscape landmark and setting for the town centre core, provide passive recreation space and break up the scale of the buildings and car parking areas;
  - (2) Landscaping/townscaping in pedestrian thoroughfares, streets and public spaces is to provide visual themes linking different activity areas within the town centre core;
  - (3) Highly visible areas, such as those fronting pedestrian thoroughfares and streets in the town centre core, are to be landscaped to provide a high degree of visual interest.
  - (4) Landscaping for surface car parking areas is to include advanced shade trees planted at a rate not less than 1 tree per 6 vehicle spaces, and screening trees and shrubs planted so as to screen car parking areas from roads and other areas readily accessible to the public;
- (e) **Car parking, service areas and loading docks**
  - (1) Large expansive car parking areas generally are to be screened with landscaping to soften the visual impact upon pedestrian thoroughfares, the street frontage of the site and from other areas readily accessible to the public;
  - (2) Loading docks and service vehicle storage areas are to be screened to ameliorate such impacts as unsightly appearance, noise, headlight glare and unpleasant odours;
- (3) Pedestrian and vehicle circulation is to be designed to reduce potential conflict points;
  - (4) Appropriate lighting is provided for after hours safety and security purposes;
  - (5) Circulation system for transport vehicles such as taxis and buses is designed to be convenient and reduce potential conflicts with pedestrians and other vehicles.
- (f) **Signage, colours and materials**
  - (1) The form, scale, materials and colour selection of signage must be in keeping with the character of the town centre core and contribute to a vibrant, co-ordinated and distinctive urban landscape;
  - (2) Roof-top and pylon signage may be permitted where it lends to the town centre core image of a high intensity activity centre;
  - (3) Signage may provide for materials and colours related to potential end users' commercial requirements modified as necessary to ensure a degree of harmony between development sites and the overall visual character of the town centre core;
  - (4) Colours for external walls and surfaces of buildings in the town centre core must be compatible with the overall visual character of the town centre core;
  - (5) Highly reflective finishes may only be used to a limited extent and are not to provide the major building materials for development in the town centre core.

- (g)

Environmental management

(1)

Building services, plant rooms and equipment rooms located on roofs or externally around buildings are to be sited, designed and constructed in order to:

C

form an integral part of the overall development on an allotment;

C

generally not be visible from pedestrian thoroughfares, streets or other areas readily accessible to the public; and

C

protect the amenity of the area from noise, vibration, smells, fumes, electrical interference or otherwise.

(2)

Environmental management structures or control devices, such as gross pollutant traps, waste disposal bins, flues and the like, are to be designed so as not to detract from the overall visual character of the town centre or the immediate locality.

terms of noise, vibration, fumes, glare, privacy, security and identity, by responding to non-residential development characteristics such as:

C

hours of operation;

C

location of loading bays, delivery docks, service areas, waste storage and disposal facilities, flues, air conditioners and the like; and

C

access arrangements.

(2)

High density residential development is to be designed and sited generally in accordance with AMCORD and Queensland Residential Design Guidelines for such development where not otherwise stated in sector plans.

"Council will have regard to the outcomes achieved in the application of these design and siting measures and sector plan development standards to determine the suitability for their continued application in subsequent Sector Plans for achieving a high quality of amenity."

(h) Transit centre pedestrian access

While provision for the possible future rail link to the town centre referred to in sub-section 10.3.1 of this DCP remains, the pedestrian system within the town centre core and frame is to remain sufficiently flexible to include a high standard safe and direct connection from the possible rail station to facilities within the town centre core. In particular, the planning and construction of the major shopping centre will fully address this requirement. The major shopping centre will reasonably allow for pedestrian traffic to pass through its site area, along clearly defined and legible pathways external to the building rather than diverting pedestrians to indirect paths.

(i) Mixed use residential development

- (1)

Residential components of mixed use developments are to be designed to offer a reasonable level of residential amenity, in

## 4.5 Supplementary Table of Development - Town Centre Core Element

Purposes for which premises may be erected or used without the consent of Council (Permitted Development) <b>COLUMN A</b>	Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions) <b>COLUMN B</b>	Purposes for which premises may be erected or used only with the consent of Council (Permissible Development) <b>COLUMN C</b>	Purposes for which premises may not be erected or used (Prohibited Development) <b>COLUMN D</b>
Caretaker's residence Local utilities Park	<p><b>Any one or more of the following purposes on land nominated for that purpose or purposes on an approved sector plan.</b></p> <p>Accommodation units Amusement premises Apartments Bulky Goods Centre - 20,000m<sup>2</sup> GLA (one only) Car park Car wash Catering premises Child care centre Commercial services Communication station Community dwelling Community premises Convention centre Cultural facility Display home Educational establishment Entertainment library Estate sales office Hardware centre Hotel Indoor recreation Licenced club Motel Occasional market Office Passenger terminal Place of worship Public utilities Recycling depot Restaurant Retail nursery Retail showroom Sales and information centre Service station Shop Shopping Centre (one only) &lt;60,000 m<sup>2</sup> GLA where not structurally integrated with the development of a bulky goods centre or retail showroom in the Bulky Goods Retail and Related Uses Development Area; or &lt;80,000 m<sup>2</sup> GLA where so integrated with a retail showroom. Special use</p> <p><b>Any purpose in this column not nominated for land by the sector plan becomes for that land a permissible development</b></p>	<p><b>For land in a sector any purpose not listed in Column A, D or included in Column B but not nominated for that land in an approved sector plan</b></p>	<p>Adult product shop Agriculture Air strip Animal husbandry Aquaculture Associated unit Bulk garden supplies Camping grounds Caravan park Cattery Cemetery Concrete batching plant Contractor's depot Correctional institution Crematorium Dairy Detached house Domestic storage and recreation structures Duplex dwelling Extractive industry Family day care centre Fuel depot Funeral parlour General industry Hazardous industry Heavy vehicle parking Heavy vehicle sales Host farm Institution Junk yard Kennels Lot feeding Motor sport or shooting Piggery Poultry farm Retirement village Rural industry Showground Simulated conflict Stable Stock sales yard Townhouse units Transport terminal Transportable home village Turf farming Vehicle hire depot Vehicle sales yard Warehouse</p>

The provisions of the Supplementary Table of Development are subject to section 2.4.9 of this DCP.



# 5 TOWN CENTRE FRAME

## 5.1 Desired Environmental Outcomes

### 5.1.1 General

- (a) To reinforce the role of the town centre core by providing a range of complementary employment opportunities, facilities and services typically not provided in the core.
- (b) To provide opportunities for mixed use development and employment as part of the Major Employment Centre in locations highly accessible to the town centre core, the MIBA and the existing and planned regional transport network.
- (c) To expand the choices in housing styles available in the DCP area by providing a range of medium and high density residential development.

### 5.1.2 Specific

- (a) To reinforce and complement the role and function of the town centre core as a key component of the Major Employment Centre in the northern growth corridor.
- (b) To provide opportunities for a wide range of high order employment, entertainment and tourism, services and housing for local and regional residents which may not be appropriate to a town centre core location having regard to their particular character.
- (c) To provide small scale incidental retail facilities generally intended to service the town centre workforce and residents or as part of a mixed use development.
- (d) To establish and maintain a high standard of urban amenity in the development of medium and high density accommodation within the town centre frame.
- (e) To provide for the possible extension of a public transport corridor and

associated transit centre through the DCP area.

- (f) To maintain a high level of flexibility in planning for future development for a range of activities which are expected to change.
- (g) To retain opportunities for speciality retailing and business services, which do not require a town centre core location, without compromising the role and function of the town centre core.
- (h) To ensure retail development such as stand alone shopping centres department stores, discount department stores, supermarkets and other major retail facilities which would compromise or diminish the role or function of the major shopping centre in the town centre core are not established in the town centre frame.

## 5.2 Planning Intent

The town centre frame is intended to provide support facilities and services to the town centre core, and to provide a transition between the town centre core and the MIBA and urban residential areas. The town centre frame will accommodate higher levels of activity than the surrounding land use elements but a slightly lower level of activity than the town centre core. This differentiation will be reflected in the spatial arrangement, type and intensity of land uses and the physical form of development.

The range of activities likely to be established in the town centre frame is greater than in the town centre core, with most functioning at the regional or town scale. Certain activities will also respond to the daily or convenience needs of the town centre workforce and town centre residents. Some of the major activities include:

- (a) administrative office and commercial premises;
- (b) community infrastructure, such as emergency services facilities, civic and cultural uses including a library and Council offices, convention facilities, educational facilities, and possibly a private hospital;

- (c) major recreation and leisure facilities such as licensed clubs, art galleries indoor recreation facilities and live performance theatres;
- (d) areas of medium and high density residential development; and
- (e) public transit centre (if not located in the town centre core).

The town centre frame is intended to broaden the diversity of housing in the DCP area by including medium and high density residential with some occurring as mixed use development within a building also used for other purposes.

The local or convenience facilities and services to be established in the town centre frame are likely to include among others:

- (a) cafes, fast food stores and restaurants;
- (b) child care centres;
- (c) service stations and service trades; and
- (d) local surgeries, medical centres and welfare premises.

The overall emphasis in the development of the town centre frame is to be upon flexibility, accessibility and integration of activity and the built form with the town centre core, transport system, open space and the path network.

## 5.3 Development Intent

### 5.3.1 Development Character

Development within the town centre frame is intended principally to be of a mixed use character, with the only development likely to occur in discrete areas being medium and high density housing. There is scope for mixed use development which includes some medium or high density residential in other locations within the town centre frame.

In broad terms, town centre frame development adjacent to the town centre core and along major roads in the town centre will be more intense, more diverse and more urbanised than in outer parts of the town centre frame, with the transition to less intense, more open development occurring

within proximity to the urban residential areas and the linear park open space system. Generally, medium density housing will occur in the transition area of the town centre frame. There will not be a sharp distinction between activities or the intensity of development across the town centre frame, but rather a gradual transition will become apparent.

Adjacent to the town centre core, development within the town centre frame generally will address the street to establish a formal edge, with street furniture, paving and landscaping integrated with building design. This more intense form of development will relate physically and functionally with the town centre core.

Development of moderate intensity, including medium density housing, may be arranged around small parcels of landscaped open space, linked to the town centre core by the street system and a path system within a network of landscaped public spaces. Development of moderate intensity also will be situated on sites with areas of landscaped private open space around buildings so that the built form merges with maturing vegetation.

The relationship between the town centre frame and the open space network is intended to strengthen with proximity to the linear park.

A high level of accessibility within the town centre frame is intended to be achieved through the integration of the street pattern, public car parking, public transport and the transit centre, and the path system within landscaped open space. An important consideration in the development of the town centre frame will be the connectivity between development sites, public transport, public car parking and the town centre core. Building siting and design must reinforce desirable or established functional or visual linkages within the town centre core and town centre frame.

### 5.3.2 Town Centre Frame (Mixed Use Areas)

Within the town centre frame most of the major activities are expected to be located in close proximity to the town centre core, unless for functional reasons, less central sites are required. In particular, development should address street frontages at the interface between the town centre core and the town centre frame in order to form an urban "main street". There is a further opportunity to extend this mixed use urban main street along the major road (running generally south-west to north-east through the town centre frame) connecting the town centre core to the major open space element north of the frame.



Major activities are to be situated in mixed use premises where appropriate. This development will principally be low to medium rise, with the possible opportunity for high rise buildings in appropriate locations. Development in the mixed use area will encourage activity at the street level, such as eateries, cafes, tourist shops, small offices, speciality retailing and the like.

Within the major mixed use areas, there will be an emphasis upon public transport, pedestrian movements and convenient access to public car parks. Car parking will be provided initially in surface facilities, converting to either underground or above-ground structures as development intensifies and surface sites are used for other purposes.

### **Administrative & Commercial Development**

The town centre frame will accommodate a significant proportion of the administrative and commercial office development in the town centre and the DCP area. A wide range of administrative, commercial, professional and other business offices will be incorporated, with opportunities for residential development preferably on the upper floors, or in separate parts of buildings. It is intended that much of the office space be used for head office or regional office functions appropriate to a town centre location.

### **Retail Development**

The retail development intended for the town centre frame is generally limited to small scale incidental retail facilities. However, opportunities are retained for some speciality retailing and business services, particularly those linked to personal services, product maintenance and distribution which, while not requiring a town centre core location, will not compromise the role and function of the town centre core. Retail development such as stand alone shopping centres, department stores, discount department stores, supermarkets and other major retail facilities which would compromise or diminish the role or function of the major shopping centre in the town centre core are not intended in the town centre frame. Retail development in the town centre frame may include small scale retailing and personal services, in a main street environment, intended to meet the needs of the workforce and the residents of the town centre frame. A character sketch of a typical main street development is contained in the Planning Study, Figure 5.4.

### **Residential Development**

Opportunities exist for medium and high density residential development to a maximum site density of 80 units per hectare within the town centre frame (mixed use areas), including integration of these residential uses with other activities in mixed use development lending to the vitality of the town centre beyond normal business hours. Residential development within these locations will need to reinforce the urban form and streetscape of the area by addressing the street frontage and providing a formal edge to important streets.

### **Tourism Development**

Tourist accommodation, in the form of hotels, motels, serviced apartments and townhouse units, is anticipated in the mixed use areas of the town centre frame. Such accommodation might be provided within a mixed use development or might be provided as a stand-alone facility, possibly supported by entertainment and leisure activities.

Typically tourism development will be of a moderate to high intensity, preferably mixed with a range of facilities and services accessible to the public. It is intended that tourism development be highly accessible from the public transport system, the regional road network and the internal road network of the DCP area. Furthermore, accessibility to the facilities and services offered in the town centre core, such as a range of entertainment, restaurants, shopping and personal services, is to be provided particularly through the network of pedestrian thoroughfares and landscaped open spaces in the town centre frame.

### **Recreation, Entertainment & Leisure Development**

While the most highly developed recreation, entertainment and leisure development is intended to occur in the town centre core, some development requiring larger sites or possibly stand-alone sites may be appropriate to the town centre frame. Without limiting the opportunities, such development might include convention centre facilities, licensed clubs and certain forms of indoor and outdoor recreation facilities. Cinema complexes are not intended within the town centre frame as this type of entertainment facility is more appropriately located in conjunction with the major shopping centre.

In providing for entertainment and leisure development in the town centre frame, the emphasis must be upon integration with the complete transport system comprising public transport, private vehicles, public car parking, and pedestrian and bicycle movement.

### **Community & Emergency Services**

The town centre frame, as a mixed use area, may also accommodate a range of community services not typically represented in the town centre core or any of the community facilities situated within the urban residential areas. Such community services are intended to be of a high order and might include:

- (a) post-secondary education and training;
- (b) specialised health care and possibly a private hospital;
- (c) aged care and senior citizens facilities;
- (d) art galleries and concert facilities; and
- (e) religious establishments.

In addition to community services, it is intended that emergency services (ambulance, fire and police) could be established either in the town centre frame or the MIBA.

The basis for providing some of these community services will be established and implemented in the relevant infrastructure agreements.

### **5.3.3 Town Centre Frame (Transition Areas)**

The transition areas within the town centre frame typically will reflect a moderate or less intense form of development than that of the major mixed use areas. Generally, buildings will be of low to medium rise surrounded by areas of landscaped private open space.

The transition areas will draw landscaped open space into the town centre through interconnected formal and informal public spaces. These spaces will incorporate paths and landscape features providing visual relief to the urban form. Wherever practicable it is intended to link areas of private open space with public open space. The built form will not dominate the urban landscape to the extent it does in the mixed use areas of the town centre core and frame.

Having a more residential land use character than the mixed use areas, the transition areas will be

more permeable to traffic and less reliant upon public transport and public car parking. The pedestrian path system is intended to provide an important connection with the town centre core.

### **Residential Development**

The town centre frame (transition areas) are intended to provide most of the medium and high density residential development in the DCP area. Dwelling units are to be designed and sited so as to minimise energy requirements and provide a high standard of residential amenity.

The maximum site density for high density residential development is 80 units per hectare calculated by dividing the number of existing or proposed dwelling units or lots by the site area of the land to be occupied by the dwelling units/lots.

Within the town centre frame, the preferred locations for high density housing will be in the mixed use areas and in those parts of the transition areas closest to the town centre core. When developed on its own, high density residential typically will address the street with only a minimal set-back so as to extend the urban character and formality of the streetscape found in the town centre core and town centre frame (mixed use) area.

The preferred form of development will be buildings with low to moderate site coverage, optimising areas of landscaped private open space. In appropriate locations, some development might be in the form of medium to high rise buildings. The preferred form of high density residential development will retain a human scale and intimacy at the street level within the character of the town centre frame. Except for visitors, car parking generally must be provided under cover and within the main building envelope.

Medium density residential primarily is intended to reinforce the transition from the town centre frame to the urban residential areas and the open space. This form of housing is not intended to exceed 40 dwelling units per hectare. Within the town centre frame, the preferred location for medium density residential development is in close proximity to public open space. Inter-connected areas of local open space are intended to provide a focus for medium density residential development in the town centre frame.

Most medium density residential development will be in low to medium rise buildings set in generous areas of landscaped private open space. The design and siting of this development, while reflecting the town centre location, will have a human scale and offer visual interest to the street. Car parking generally is to be provided under cover within the building envelope, except for visitor car parking.

Residential development occurring as part of mixed use development will provide an acceptable standard of residential amenity with separate and secure vehicle and pedestrian access, car parking and areas of private open space. The location and design of such development must also respond to the proximity of uses or activity which may conflict with or impose adverse impacts upon the residential amenity. Impacts might include intrusive night lighting, noise, loss of privacy, overshadowing, or the loss of breezes or aspect.

5.3.4 Public Transport Corridor

Preliminary planning by the Department of Transport indicates that a possible public transport corridor might pass through the DCP area, and specifically through the town centre core and frame. No detailed planning has been undertaken by the Department of Transport to refine the location or timing of the possible route. The feasibility of this corridor and station will be the subject of a State Government public transport study to commence in the 1998/99 financial year. However, if the Department of Transport has not adopted an implementation program for the corridor by the 30 June 2000 the accommodation of the possible route notionally shown on the structure plan will no longer be required in the planning and development of the town centre.

5.4 Design and Siting Measures

Design and siting measures will ensure a comprehensive and integrated approach to development and so achieve the character intention for the town centre frame. Design and siting measures will be provided in the sector plans. Design and siting issues to be addressed in the sector plans include:

(a) Building set backs

- (1) Buildings in the town centre frame (mixed use area) are to be developed generally up to the alignment of a pedestrian thoroughfare, except to permit the integration of street landscaping with areas of private open space;
- (2) Buildings may be developed up to a road frontage within the town centre frame (mixed use area) providing that building services are adequately screened from the street and all other areas are landscaped in a comprehensive and integrated manner;
- (3) Buildings in the town centre frame (transition area) are to be developed in accordance with standard residential set-backs unless otherwise provided for in an approved sector plan.

(b) Site Coverage

- (1) Buildings may occupy a total site within the town centre frame (mixed use area), providing that:
  - C development is in context with, and visually compatible with the appearance of, any neighbouring buildings;
  - C any planned pedestrian thoroughfare is accommodated within the site;
  - C adequate pedestrian facilities including pedestrian shelters are provided at ground level;
  - C open space is provided in accordance with the infrastructure agreement; and
  - C sufficient on-site car parking is provided.
- (2) Buildings within the town centre frame (transition area) may occupy only that proportion of the site permitted by a sector plan.

(c) Building design

- (1) Preferred building forms will include:
    - C open framed appearance possibly with layered facade treatments;
    - C recessed windows in external walls;
    - C outward orientation of shop fronts to provide integration with the major shopping centre and other core and frame uses;
    - C articulation in lengthy facades; and
    - C continuous landscaping for the frontage to a pedestrian thoroughfare;
  - (2) The primary facade of a building preferably will address the street. The facade of a building addressing a street must be attractive and varied in keeping with adjacent development;
  - (3) Preferred building forms will complement and integrate with those of adjacent buildings in terms of their architecture, height and bulk, and generally will avoid the use of heavy mass building forms, particularly on sites fronting a pedestrian thoroughfare;
  - (4) Building heights generally will be low to medium rise with occasional high rise development on sites identified on a sector plan as being suitable for such development;
  - (5) Orientation to reduce energy requirements so that the long side of buildings align wherever possible on an east-west axis.
- (d) **Landscaping /Townscaping**
- (1) Adequate landscaped areas are to be provided to create a landscape theme consistent with, and extending the setting of, the town centre core, as well as to provide passive recreation space and to break up the scale of the buildings and car parking areas;
- (2) Landscaping/townscaping in pedestrian thoroughfares, streets and public spaces is to provide visual themes linking different activity areas within the town centre frame;
  - (3) Highly visible areas, such as those fronting pedestrian thoroughfares and streets in the town centre frame, are to be landscaped to provide a high degree of visual interest;
  - (4) Landscaping for surface car parking areas is to include advanced shade trees planted at a rate not less than 1 tree per 6 vehicle spaces, and screening trees and shrubs planted so as to screen car parking areas from roads and other areas readily accessible to the public;
  - (5) High quality urban art, including paving patterns, water features and sculptures, are encouraged to enhance the architecture and landscape of the town centre frame.
- (e) **Car parking, service areas and loading docks**
- (1) Car parking and loading docks are to be sited so as to be screened from either a pedestrian thoroughfare, the street frontage of the site or from other areas readily accessible to the public;
  - (2) Loading docks and service vehicle storage areas are to be screened to ameliorate such impacts as unsightly appearance, noise, headlight glare and unpleasant odours;
  - (3) Pedestrian and vehicle circulation is to be designed to reduce potential conflict points;

- (4) Appropriate lighting is to be provided for after hours safety and security purposes;
  - (5) Circulation systems for transport vehicles such as taxis and buses are to be designed to be convenient and reduce potential conflicts with pedestrians and other vehicles.
- (f) **Signage, colours and materials**
- (1) The form, scale, materials and colour selection of signage must be in keeping with the character of the town centre frame and must not dominate the urban landscape at ground level;
  - (2) Roof-top and pylon signage may be permitted where it lends to the town centre frame image of an intensive activity centre;
  - (3) Signage may provide for materials and colours related to potential end users' commercial requirements modified as necessary to ensure a degree of harmony between development sites and the overall visual character of the town centre frame;
  - (4) Colours for external walls and surfaces of buildings in the town centre frame must be compatible with the overall visual character of the town centre frame;
  - (5) Highly reflective finishes are not encouraged as the major building materials for development in the town centre frame.
- (g) **Environmental management**
- (1) Building services, plant rooms and equipment rooms located on roofs or externally around buildings are to be sited, designed and constructed in order to:
    - C form an integral part of the overall development on an allotment;
- C generally not be visible from pedestrian thoroughfares, streets or other areas readily accessible to the public; and
  - C protect the amenity of the area from noise, vibration, smells, fumes, electrical interference or otherwise.
- (2) Environmental management structures or control devices, such as gross pollutant traps, waste disposal bins, flues and the like, are to be designed so as not to detract from the overall visual character of the town centre frame or the immediate locality.
- (h) **Transit centre pedestrian access**
- While provision for the possible future rail link to the town centre referred to in sub-section 10.3.1 of this DCP remains, the pedestrian system within the town centre core and frame must also remain sufficiently flexible to include a high standard safe and direct connection from the possible rail station to the heart of the town centre area. In particular, development will reasonably allow for pedestrian traffic to pass through its site area, along clearly defined and legible pathways external to the buildings rather than diverting pedestrians to indirect paths.
- (i) **Residential development**
- (1) Residential components of mixed use developments are to be designed to offer an acceptable level of residential amenity, in terms of noise, vibration, fumes, glare, privacy, security and identity, by responding to non-residential development characteristics such as:
    - C hours of operation;
    - C location of loading bays, delivery docks, service areas, waste storage and disposal facilities,

- flues, air conditioners and the like; and

C

access arrangements;
- (2)

In general the performance criteria specified for the range of housing types in Queensland Residential Design Guidelines and AMCORD provide the design and siting principles and criteria to be addressed in medium and high density residential development. While the acceptable solutions provided in these publications may generally satisfy the performance criteria for development in the town centre frame they do not preclude other solutions and may also be modified by an approved sector plan.

“Council will have regard to the outcomes achieved in the application of these design and siting measures and sector plan development standards and codes to determine the suitability for their continued application in subsequent Sector Plans for achieving a high quality of amenity.”

## 5.5 Supplementary Table of Development - Town Centre Frame Element

Purposes for which premises may be erected or used without the consent of Council (Permitted Development) <b>COLUMN A</b>	Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions) <b>COLUMN B</b>	Purposes for which premises may be erected or used only with the consent of Council (Permissible Development) <b>COLUMN C</b>	Purposes for which premises may not be erected or used (Prohibited Development) <b>COLUMN D</b>
Caretaker's residence Local utilities Park	<p><b>Any one or more of the following purposes on land nominated for that purpose or purposes on an approved sector plan.</b></p> <p>Accommodation units Amusement premises Apartments Associated unit Car park Car wash Catering premises Child care centre Commercial services Communication station Community dwelling Community premises Convention centre Cultural facility Detached house Display home Domestic storage and recreation structures where &lt;8% of the site area Duplex dwelling Educational establishment Entertainment library Estate sales office Family day care centre Hardware centre Hotel Indoor recreation Institution Licenced club Motel Occasional market Office Outdoor recreation Outdoor sales Passenger terminal Place of worship Public utilities</p>	<p><b>For land in a sector any purpose not listed in Column A, D or included in Column B but not nominated for that land in an approved sector plan</b></p>	<p>Adult product shop Agriculture Air strip Animal husbandry Aquaculture Bulk garden supplies Camping grounds Caravan park Cattery Cemetery Concrete batching plant Contractor's depot Correctional institution Crematorium Dairy Extractive industry Fuel depot General industry Hazardous industry Heavy vehicle parking Heavy vehicle sales Host farm Junk yard Kennels Lot feeding Motor sport or shooting Piggery Poultry farm Rural industry Shopping centre &gt;1,500m<sup>2</sup> GLA Showground Simulated conflict Stable Stock sales yard Transport terminal Transportable home village Turf farming</p>

Purposes for which premises may be erected or used without the consent of Council (Permitted Development)	Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions)	Purposes for which premises may be erected or used only with the consent of Council (Permissible Development)	Purposes for which premises may not be erected or used (Prohibited Development)
COLUMN A	COLUMN B	COLUMN C	COLUMN D
	Re-cycling depot Restaurant Retail nursery Retirement village Sales and information centre Service station Shop <300m <sup>2</sup> GFA Shopping centre <1,500m <sup>2</sup> GLA Special use Technology industry Tourist facility Townhouse units Vehicle hire depot Vehicle sales yard Veterinary clinic  <b>Any purpose in this column not nominated for land by the sector plan becomes for that land a permissible development</b>		

The provisions of the Supplementary Table of Development are subject to section 2.4.9 of this DCP.



# 6 URBAN RESIDENTIAL AREA

## 6.1 Desired Environmental Outcomes

environmental protection measures and the potential effects of incompatible land uses or transport corridors are mitigated.

### 6.1.1 General

- (a) To establish residential villages that have a high level of amenity and sense of community.
- (b) To establish residential villages that are appropriately designed in the context of ecological sustainability and offer a range of dwelling types that are conveniently located with respect to community facilities, open spaces and public transport.

- (g) To ensure urban residential areas develop sequentially and efficiently in residential villages, serviced with the community and engineering infrastructure necessary for achieving a high standard of residential amenity and quality of life for residents.

### 6.1.2 Specific

- (a) To promote a diverse, innovative and highly flexible choice in low, standard and medium density housing in accordance with community aspirations, needs and affordability.
- (b) To promote residential villages which are linked to the major road network, public transport services and community facilities through safe, convenient, legible local street and path networks.
- (c) To provide residential villages which are focused on local open space and situated conveniently to local community facilities, including education and recreation facilities, convenience shopping and open space.
- (d) To promote a community with a high standard of residential amenity characterised by convenience, accessibility, safety, privacy, high quality design and integrated planning.
- (e) To ensure visual integration of residential development with the natural environment, including development responsiveness to the topography, drainage patterns and remnant stands of significant vegetation.
- (f) To ensure the development of urban residential areas includes appropriate

## 6.2 Planning Intent

Generally the distribution of housing throughout the DCP area is intended to provide up to approximately 9,500 dwelling units accommodating an ultimate population of approximately 25,000 people. Up to 1200 of these dwelling units will be provided as medium and high density accommodation in the town centre while the remainder will be accommodated in a variety of dwelling types in the urban residential area. The development pattern of the urban residential area will be monitored to ensure the distribution and pattern of development is proportional to, and supportive of, the ultimate population for the DCP area.

The urban residential area is intended to provide for a wide range of housing needs in a variety of forms, styles and densities to reflect the prevailing market demands. Residential development will occur in a collection of residential villages reflecting a range of densities being low, standard and medium density. Each village will focus on a centrally located village park. Villages are to be progressively developed having particular regard to the timely, efficient and economic provision of engineering and social infrastructure.

Groupings of villages will be focused upon community and education facilities located in the southern, central and north-western parts of the DCP area. The desired environmental outcomes, intent and implementation provisions for the community facilities are described in section 8 of this DCP.

District, village and local parks and open space will be established throughout the urban residential area in conveniently accessible locations and in accordance with the needs of the community.

Development within the urban residential area will accommodate the major road network notionally

indicated on the structure plan and provide for a high level of connectivity between community facilities and the residential areas they serve.

A more detailed description of housing types and village composition is set out in the following sub-sections which also describe the desired environmental outcomes to be achieved.

High density housing will not be located within village areas, as this form of housing is generally characterised by a different scale of built form, intensity, lifestyle and household composition to that planned for the urban residential areas. Services, including water, sewerage, stormwater management, road networks and park and open space have been planned to accommodate high density residential housing in the town centre area. A town centre location offers an alternative lifestyle choice being highly accessible to a vibrant, diverse mix of facilities and services. The lifestyle offered by the urban residential area is distinct from the town centre in being a more homogenous and dispersed mix of generally lower intensity activities where residential amenity is the foremost consideration.

The north-south arterial road forms a border between the urban residential area and the MIBA for a significant length. It may be desirable to provide for a residential/business transitional area in this area to assist in the protection of residential amenity, maximise opportunities for working from home and reduce limitations on the development of the MIBA. In this regard, at the time sector plans are prepared along the north-south arterial road an assessment of the desirability of designating a "residential/business transitional area" may be undertaken with a view to Council designating such an area on the relevant Sector Plans. The Supplementary Table of Development lists home occupation as a Column B use requiring code assessment within designated residential/business transitional areas on sector plans. Elsewhere in urban residential areas home occupation is a Column C use. Therefore, home occupation will be encouraged to locate in designated residential/business transitional areas. At Council's discretion, this designation may also be used in other appropriate locations.

## 6.3 Development Intent

Housing in the DCP area is intended to cater for a wide range of housing needs in residential villages.

The planning intent for the villages and the housing types within them is set out below.

### 6.3.1 Intent of Village

A village is an identifiable urban planning unit typically defined by major structuring elements such as topography, the road network or the open space network. This basic residential planning unit is a manageable area which will be established on an approximate 400m or 5 minute walking distance from a centrally located village park. Villages will be developed so that residents can conveniently satisfy most of their immediate needs with respect to housing and community facilities, including recreation, shopping, education and human services. Development is intended to engender a "sense of place" and community identity through establishing and then protecting an identifiable character and incorporating any environmental features of local significance.

The housing types to be provided in villages will be drawn from the range set out in sub-section 6.3.2

Villages and groupings of villages are to be designed in accordance with the provisions of the village criteria set out in sub-section 6.3.3.

### 6.3.2 Range of Housing Types

#### General

Housing in the DCP area is intended to be provided in residential villages offering a wide range of housing choice responding to the needs of different age groups, household income levels, household formations and family sizes.

The key determinants in community housing choice are household type, lifestyle aspirations and housing affordability. Another contributing factor influencing community housing needs is the increasing trend towards decentralised employment opportunities away from the metropolitan centres. The creation of a major employment centre in the DCP area reinforces the need for a diversity of housing types.

Housing needs are expected to vary considerably over the life of the development of the DCP area, demanding that a high level of flexibility be maintained in the approach to providing housing

which responds to and satisfies the community's needs.

At the same time, both local community expectations and the strategic plan characterise the Shire as an area not developed to a high density. The open character given to the Shire by its river and wetlands, dam catchments and fringing mountain ranges reflects in its housing styles. Accordingly, the dominant form of housing in the DCP area will be single family dwellings, either in traditional forms, or expressed in more contemporary styles such as courtyard and villa housing.

Forms of housing envisaged in the DCP area include:

- (a) Low density detached housing on a median lot size of 1250m<sup>2</sup>;
- (b) Standard density detached housing on 320m<sup>2</sup> - 1000m<sup>2</sup> lots, duplex dwellings, townhouse units (17 units/ha);
- (c) Medium density detached housing, duplex dwellings, townhouse units and apartments;
- (d) High density town house units, apartments, and accommodation units (including serviced apartments) in the town centre;
- (e) Other residential retirement villages, community dwellings and other special forms of housing.

Within the residential villages, it is intended that some medium density development will locate within convenient distances of community facilities.

The development intentions for low, standard and medium density residential areas and other types of residential accommodation are set out in section 6.3.3 village criteria.

### **Standard Density Residential**

While the most common form of housing will be the detached house on a single lot, it will take a wide range of forms over the life of the development. Current (1998) expectations for

standard density housing are indicated in Table 6.1

distinctness and differentiation from standard small lot housing and remove residents' cars and garbage collection to a rear lane. The minimum reserve width of the rear laneway will be 6.5m subject to the manoeuvring requirements of service vehicles.

### Lot Types

LOT TYPE	MIN LOT SIZE (m <sup>2</sup> )	TYPICAL AV. LOT WIDTH (m)*
1. Dress Circle	830	22.5
2. Traditional	640	20
3. Economy Traditional	575	18
4. Courtyard	450	14
5. Premium Villa	400	12.5
6. Villa	320	10
7. Rear Lane Villa	320	10

**Table 6.1**

\*Lots at the blind end of a cul-de-sac or on the curve of a road must have a minimum frontage of 6m

The mix in housing types and residential uses is not stated in this DCP but will be evident on approved sector plans. To enable prospective purchasers of a particular lot/s to obtain a clear impression of the type of development which is likely to occur adjacent to the sector which contains the particular lot/s, sector plans must show indicatively the nature of intended development within 100m of the sector plan boundary. As provided for in section 2.4.8 of this DCP it will be sufficient reason for Council to refuse to approve subsequent adjacent sector plans if they do not conform to the clear impression provided on the preceding adjacent sector plan.

### Rear Lane Villas

It is intended to introduce a range of small lot housing types, including rear lane housing. This innovative housing product will achieve

The special planning and development requirements for rear lane housing may necessitate variations to Council's standard road design manual (eg minimum intersection spacings).

**Small Lot Subdivision:  
Relaxation of Floor Slab Requirements**

At the time of preparing this DCP, the planning scheme required construction of foundations and other works on each house and land integrated lot before the relevant plan of subdivision was sealed. However, relaxation could be granted in terms of the provisions contained in Council's Local Planning Policy LP40.

A sector plan prepared by the principal developer and approved by Council which contains the quality control measures generally required by LP40 is taken to be an approved house and land integrated development plan within the meaning of LP40 and that the Council is satisfied the principal developer has demonstrated an ability to create a quality subdivision incorporating house and land integrated development of lots not less than 320m<sup>2</sup> in area.

**6.3.3 Village Criteria**

The development of each village is intended to comply with the provisions set out in sub-sections 6.3.3.1 to 6.3.3.4. The various forms of residential development within the villages must comply with the relevant provisions in sub-sections 6.3.3.5 to 6.3.3.8.

**6.3.3.1 General**

Residential villages within the urban residential areas will:

- (a) focus on a centrally located village park typically 0.5 to 1.0 hectares in area, serving a catchment of households within approximately 400 metres or a five minute walking distance;
- (b) consist of approximately 300 - 500 dwellings;
- (c) provide for most dwellings to be located within approximately 800m or 10 minutes walking time of major or local community facilities or the town centre;

- (d) be characterised by attractive garden settings established by district and local open spaces, private gardens and streetscape treatments;
- (e) be limited to the low, standard and medium density forms of housing defined in this DCP; and
- (f) exclude high density housing.

**6.3.3.2 Environmental Areas**

Development is not intended to occur in areas having unique or high environmental significance. These areas are shown on the structure plan within the major open space element.

Land required to be set aside for drainage corridors, flood plain areas, areas containing vegetation identified for protection and areas required for transport, buffers, environmental management, stormwater management, park and other purposes must be integrated into the design of each village or group of villages

**6.3.3.3 Accessibility**

Residential villages are to:

- (a) be readily accessible from the major road system via a system of collector and local streets;
- (b) be linked to pedestrian and cycle networks with paths permeating each village;
- (c) be interconnected with other residential villages and the town centre by the major road system, and the open space, pedestrian and cycle networks;
- (d) contain a clear hierarchy of local and collector roads, arranged to facilitate an efficient a bicycle and pedestrian network and local bus service within approximately 400m of most dwellings;
- (e) provide an appropriate level of connectivity by pedestrian, cycle and or local street connections to the existing 'Mango Hill Village'. It is intended that the character and identity of the existing 'Mango Hill Village' residential area be suitably protected. There is no intention to link Mango Hill

village by additional roads directly into the DCP area creating

through traffic routes unless and until the village community indicates clearly this is desirable. Section 13.2 of the DCP requires the establishment of a protocol for consultation with residents of the Mango Hill village.

#### **6.3.3.4 Local Parks and Open Space**

Local parks and other local open space areas are:

- (a) to be established in the residential villages as part of the overall open space system and are to be linked to the major open space, shown on the structure plan, by roads and paths;
- (b) to be provided as part of the sequence of development of each village. Local parks will generally be provided in parcels of not less than 0.2 hectares in area within the sequence of residential and infrastructure development;
- (c) to fulfil functions such as unstructured recreation, visual enhancement of residential areas and conservation of features of environmental significance or value; and
- (d) to be provided with an appropriate range of facilities and landscaping to achieve a high level of safety, comfort and amenity;

#### **6.3.3.5 Low Density Residential**

- (a) Low density residential development of fully serviced lots with a median lot size of 1250m<sup>2</sup> is primarily intended where it is desirable to provide a buffer or transition between areas of closer urban residential development (standard and medium density residential) and areas of ecological significance or adjacent areas designated for industrial purposes. The area of ecological significance within the DCP area forms part of the Saltwater Creek environs.
- (b) The intention of these larger lots is to maximize opportunities for private garden areas to soften the interface of the urban area with the environmental park and to allow space for private garden plantings to continue the indigenous plant theme into the urban residential area. Larger lots will not generally be required where a road

frontage is provided to areas of ecological significance.

- (c) The northern area of the DCP contains locations where housing comes close to external industrial areas (existing and proposed). Specific studies must be undertaken by the principal developer to the Council's satisfaction before any precinct plan is approved for land in this area. The studies must examine the potential impact of industrial development on the residential amenity of housing proposed in the DCP area. Practical implementation provisions are to be recommended which, subject to approval by Council, are to be used in the development of subdivision and house construction in these areas. If this objective cannot be practically achieved, then only development which in Council's opinion is compatible with the adjacent industrial and business activities will be permitted in this area.
- (d) Council may at the time of development of these areas consider alternative methods proposed by the principal developer for providing effective buffer and transition areas (e.g. special landscape and construction within lots, or inclusion of other forms of compatible land use) which demonstrate, to Council's satisfaction, that the desired protection can be achieved and maintained.
- (e) High density forms of urban development will not be approved in low density residential areas because of the divergent amenity standards, lifestyle characteristics, development forms, resident aspirations and servicing implications discussed in section 6.2 of this DCP.

#### **6.3.3.6 Standard Density Residential**

- (a) Standard density residential areas will be characterised by low-rise detached housing, some duplex dwellings and possibly townhouse units in appropriate locations with a high standard of residential amenity. These areas will also offer convenient access to village and local parks, the

path network and local community facilities and ready access to major community facilities and the town centre. Where townhouse units are proposed the site density is to be a maximum of 17 units per hectare calculated on a site area basis.

- (b) High density forms of urban development will not be approved in standard density residential areas because of the divergent amenity standards, lifestyle characteristics, development forms, resident aspirations and servicing implications discussed in section 6.2 of this DCP.

#### **6.3.3.7 Medium Density Residential**

- (a) The maximum site density for medium density residential development is 40 dwellings per hectare calculated on a site area basis.
- (b) Medium density residential development is to be located adjacent to community facilities, district open space or other major amenities with a high level of accessibility provided to the open space, path, bicycle, major road and public transport networks.
- (c) Medium density residential development is intended to be characterised by ample areas of attractive and useable private open space so that the appearance is one of dwellings units situated in a garden setting. The most common form of medium density residential development will include townhouses and apartments. A combination of detached dwellings on small lots, duplex dwellings and townhouses established in a garden setting may also be developed in areas designated for medium density residential living.
- (d) Generally the built form in medium density residential areas is to be low rise with a maximum height of three storeys plus residential roof style. Three storey development is not intended to be widely used. Where three storey development is proposed the proponent must demonstrate to Council's satisfaction that overlooking and overshadowing of adjacent development will not reduce its residential amenity.

- (e) Dwelling units are to be designed and sited so as to minimise energy requirements and provide a high standard of residential amenity.
- (f) High density forms of urban development will not be approved in medium density residential areas because of the divergent amenity standards, lifestyle characteristics, development forms, resident aspirations and servicing implications discussed in section 6.2 of this DCP.

#### **6.3.3.8 Other Residential**

- (a) Special forms of residential accommodation will be permitted, but only in appropriate locations and when shown on an approved sector plan.
- (b) Other forms of residential accommodation, such as motels, retirement villages, community dwellings, etc, are preferred to be located in more central areas, offering close proximity to public transport and community facilities.

## **6.4 Design and Siting Measures**

Design and siting measures will ensure a comprehensive and integrated approach to development and so achieve the character intention for the urban residential areas.

In general, the performance criteria specified for the range of housing types in Queensland Residential Design Guidelines and where appropriate AMCORD provide the design and siting principles and criteria to be addressed. While the acceptable solutions provided in these publications may generally satisfy the performance criteria for development in urban residential areas they do not preclude other solutions and may also be modified by an approved sector plan.

“Council will have regard to the outcomes achieved in the application of these design and siting measures and sector plan development standards and codes to determine the suitability for their continued application in subsequent Sector Plans for achieving a high quality of amenity.”



## 6.5 Supplementary Table of Development - Urban Residential Areas Element

Purposes for which premises may be erected or used without the consent of Council (Permitted Development) COLUMN A	Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions) COLUMN B	Purposes for which premises may be erected or used only with the consent of Council (Permissible Development) COLUMN C	Purposes for which premises may not be erected or used (Prohibited Development) COLUMN D
<p>Associated unit in association with lot types 1-3 (table 6.1)</p> <p>Caretaker's residence</p> <p>Detached house</p> <p>Display home</p> <p>Domestic storage and recreation structures where &lt; 8% of the site area</p> <p>Family day care centre</p> <p>Local utilities</p> <p>Park</p>	<p><b>Any one or more of the following purposes on land nominated for that purpose or purposes on an approved sector plan.</b></p> <p>Apartments</p> <p>Child care centre</p> <p>Community dwelling</p> <p>Duplex dwelling</p> <p>Estate sales office</p> <p>Home occupation where located in a residential/business transitional area indicated on an approved sector plan</p> <p>Retirement village</p> <p>Sales and information centre</p> <p>Townhouse units</p> <p><b>Any purpose in this column not nominated for land by the sector plan becomes for that land a permissible development</b></p>	<p><b>For land in a sector any purpose not listed in Column A, D or included in Column B but not nominated for that land in an approved sector plan</b></p>	<p>Adult product shop</p> <p>Agriculture</p> <p>Air strip</p> <p>Amusement premises</p> <p>Animal husbandry</p> <p>Aquaculture</p> <p>Bulk garden supplies</p> <p>Camping grounds</p> <p>Car park</p> <p>Car wash</p> <p>Caravan park</p> <p>Casino</p> <p>Catering premises</p> <p>Cattery</p> <p>Cemetery</p> <p>Commercial services</p> <p>Communication station where part of any mast is higher than 10m above ground level, or is attached to a building and projects more than 3m from that building</p> <p>Community premises</p> <p>Concrete batching plant</p> <p>Contractor's depot</p> <p>Convention centre</p> <p>Correctional institution</p> <p>Crematorium</p> <p>Cultural facility</p> <p>Dairy</p> <p>Educational establishment</p> <p>Entertainment library</p> <p>Extractive industry</p> <p>Fuel depot</p> <p>Funeral parlour</p> <p>General industry</p> <p>Hardware centre</p> <p>Hazardous industry</p> <p>Heavy vehicle parking</p> <p>Heavy vehicle sales</p> <p>Helicopter landing site</p> <p>Hospital</p> <p>Host farm</p> <p>Hotel</p>

<b>Purposes for which premises may be erected or used without the consent of Council (Permitted Development)</b>  <b>COLUMN A</b>	<b>Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions)</b>  <b>COLUMN B</b>	<b>Purposes for which premises may be erected or used only with the consent of Council (Permissible Development)</b>  <b>COLUMN C</b>	<b>Purposes for which premises may not be erected or used (Prohibited Development)</b>  <b>COLUMN D</b>
			Indoor recreation Institution Junk yard Kennels Licenced club Lot feeding Mini-brewery Motel Motor sport or shooting Occasional market Office Outdoor recreation Outdoor sales Passenger terminal Piggery Place of worship Poultry farm Re-cycling depot Restaurant Retail nursery Retail showroom Rural industry Service industry Service station Shop >200m² GFA Shopping centre Showground Simulated conflict Special use Stable Stock sales yard Technology industry Tourist facility Transport terminal Transportable home village Turf farming Vehicle hire depot Vehicle sales yard Veterinary clinic Veterinary hospital Warehouse

The provisions of the Supplementary Table of Development are subject to section 2.4.9 of this DCP.

# 7 MIXED INDUSTRY AND BUSINESS AREA (MIBA)

## 7.1 Desired Environmental Outcomes

### 7.1.1 General

To promote the establishment of a mixed industry and business area (MIBA), as part of a Major Employment Centre in the northern part of Pine Rivers Shire, which:

- (a) provides opportunities for sustainable and diverse employment for residents of the Shire and surrounding areas;
- (b) develops in step with the extension of infrastructure within the MIBA area;
- (c) supports a strong town centre to be established progressively in the DCP area; and
- (d) provides a high standard of visual presentation in the form of landscaping and building design and siting to the Bruce Highway.

### 7.1.2 Specific

- (a) To encourage activities, appropriate in a Major Employment Centre, which can benefit from the high level of accessibility to the regional transport network and the high level of exposure to the Bruce Highway.
- (b) To provide opportunities for the establishment of employment-intensive land uses, such as technology- based industries, offices, educational facilities, service trades, low impact industries, tourism and recreational facilities, in complementary land use groups within the MIBA.
- (c) To ensure that the range, level and intensity of activities in the MIBA complements the role, function and vitality of the town centre.
- (d) To provide an effective land use buffer from the effects of the Bruce Highway on the urban residential areas to the east of the MIBA.

- (e) To provide a high quality, landscaped, development frontage to the Bruce Highway.
- (f) To achieve comprehensive landscaping of development sites and open spaces, integrated with attractive buildings of complementary design.
- (g) To promote the extension of roads and the open space network, including the path system, to increase accessibility for residents to the MIBA and to achieve a high degree of connectivity with other parts of the DCP area and the region.
- (h) To promote a predominately low to medium intensity form of development which is compatible with adjacent land uses, including the nearby urban residential areas, in terms of development character, traffic generation and environmental impacts.
- (i) To ensure department store based shopping, discount department shopping and large supermarkets are not established in the MIBA.

## 7.2 Planning Intent

The strategic plan provides for the establishment of Major Employment Centres in both the northern area and the southern area of the Shire. The northern employment centre consists of two parts both focused upon the Bruce Highway in the vicinity of the Anzac Avenue interchange. An extensive area of the northern major employment centre lies within the DCP area adjacent to the Bruce Highway.

Together with the Mango Hill town centre, the MIBA will contribute strongly towards the implementation of the strategic intentions of the Council as established in the strategic plan. To ensure the potential social and economic benefits of the MIBA are realised in the Shire over and beyond the life of the Mango Hill development, a high degree of flexibility in land use planning and development control is required.

The MIBA is intended to provide a diversity of employment opportunities in businesses and appropriate industries. These employment opportunities are intended to include commercial and professional services, office services, service

trades, technology development and manufacturing, tourism, leisure, recreation and some retail showrooms. Some small scale retailing may be included, principally to service the daily convenience needs of the MIBA workforce.

The MIBA is likely to be developed progressively over the life of the Mango Hill development project. A characteristic of that development is expected to be the establishment of pioneer activities around which and from which a range of related, and desirably interdependent activities will develop. Adequate provision for a range of such employment generating activities needs to be made throughout the planning and development of the MIBA.

## 7.3 Development Intent

### 7.3.1 Infrastructure and Transport

The MIBA is to be serviced with adequate engineering and transport infrastructure to ensure the strategic intentions can be achieved. Separate infrastructure agreements will be entered into by the Council and the principal developer for the provision of engineering services. In the provision of infrastructure, the principal developer must consult with relevant service providers to ensure that appropriate infrastructure of sufficient capacity is made available to meet the demands of rapid technology development. In particular, telecommunications systems need to be adequate for the high-speed transfer of large quantities of electronic data.

The MIBA is to be linked with the road network and public transport system to be established within the DCP area. The proposed north-south arterial road indicated on the structure plan will provide the principal road access to the MIBA. No direct road access from the Bruce Highway to the MIBA is intended.

To ensure the integration of the MIBA with the Mango Hill town centre, the internal road system must accommodate a bus-based public transport system.

The internal road system also will be designed to accommodate flows of heavy vehicles and service vehicles generated by MIBA activities. While performing traffic functions, the internal road system is an important element in the landscape

of the MIBA and consequently road reserves must be landscaped.

As part of the integrated transport system proposed in the DCP area, safe and convenient connections from the MIBA to the path system within the open space network are intended.

### 7.3.2 Development Form

#### 7.3.2.1 Character

Groupings of similar or related activities to maximise the potential benefits of co-location are intended to be achieved in the MIBA. For example, corporate offices may be grouped into an office park, while technology industries generally should be grouped together in a clean and quiet environment. A desirable planning outcome will be the establishment of areas within the MIBA with distinctive character in terms of activities, identity and built form.

Character areas within the MIBA might include:

- (a) office parks;
- (b) research and development;
- (c) recreation, leisure and tourism;
- (d) industry and service trades;
- (e) education and health care; and
- (f) other MIBA activities, including retail showrooms and warehouses.

The location and extent of the MIBA character areas, and the intensity and mix of development within those areas must take into consideration the nature of, and relationship to, adjoining uses, as well as the relationship to major roads, topography, landscape, sight lines and noise levels.

It is also intended to permit the co-location of some complementary development typical of different character areas, providing that potential impacts can be overcome to the satisfaction of the Council. Examples of possible co-location include office parks and research and development facilities, or education, and office premises, and research and development facilities. Another possibility envisaged in the MIBA is the proximate location of activities which normally require separation, for example, some forms of residential development and office parks, or recreation and tourism facilities and office parks.

The generally large development sites within the MIBA will offer opportunities for a high level of integration between the built form and landscaping both within a development site and with adjoining sites. Where practicable, remnant vegetation is to be retained and integrated in the overall landscaping of individual sites.

The physical form of development to be promoted in the MIBA will vary depending on its proximity to the town centre. Development closer to the town centre may consist of low to medium rise buildings within landscaped surroundings, while development close to urban residential areas will be mostly low rise and set in generous landscaped settings. All development will exhibit a high level of urban amenity, achieved through sensitive detailed planning, design and siting, and site landscaping. Buildings generally will have a commercial character rather than being overtly industrial in their appearance. It is intended that the MIBA offer the workforce a pleasant and safe environment in which to work and to recreate.

To ensure the appearance of buildings situated in a park-like setting, car parking, loading docks and other building services are to be landscaped and generally screened from adjacent roadways and open space networks. Limited visitor car parking, emergency vehicle parking and security control facilities may be more visible but also situated in landscaped surroundings. Car parking will be landscaped and screened from the roads within the MIBA. Shade trees are to be provided extensively within car parking areas to provide relief from the heat and glare of summer weather conditions.

The over-riding character of the MIBA will be one of low to moderate intensity development on large allotments, exhibiting high standards in urban design integrated with landscaping complementary to development in the MIBA.

The planning outcome sought in terms of development character in the MIBA will be:

- (a) a diversity of land use activities;
- (b) generally complementary intensity and spacious forms of development;
- (c) groupings of similar land uses, with some areas of mixed use development;

- (d) generally low to medium rise building forms sympathetic to their surroundings;
- (e) comprehensively landscaped, park-like surroundings featuring generous landscaping; and
- (f) extension of the local path system for pedestrians and cyclists, linking development sites with the open space network and the DCP area path system.

**7.3.2.2 Office Parks**

The office and commercial activities intended in the MIBA may be distinguished from those intended in the town centre core and frame, in that they do not require either a town centre core or frame location. They do require large parcels of land to function, to project the requisite corporate images, and to provide the level of amenity sought by the workforce engaged in them.

Commercial and office activities which belong more appropriately in the town centre core or frame will not be encouraged to establish in the MIBA.

Generally, office park development will be more intense with low to medium rise buildings in proximity to the town centre, and less intense with low rise buildings in proximity to urban residential areas.

Some potential exists for a residential component as a mixed use activity in the office park context. Preferred forms of residential development may include accommodation units for visiting staff and corporate guests, caretaker's residences and motels.

Generally, commercial and office activities will reflect the over-riding principles for achieving a landscaped, urban character in the MIBA.

**7.3.2.3 Research and Development**

The MIBA provides opportunities for the establishment of research and development activities such as technology industries because of:

- (a) its accessibility to a range of markets via the available regional, national and international transport infrastructure (national highway, air port, sea port);

- (b) the availability of large allotments in a clean and electronically quiet environment free from such external factors as ground and air vibration, and chemical and thermal contamination from the atmosphere;
- (c) the proximity to a large growing workforce and the opportunity to have a skilled workforce housed in the DCP area and elsewhere; and
- (d) the potential flexibility for development offered by a “greenfield” site.

Establishing technology industries and other technology-based services in the MIBA will require co-ordinated planning to avoid potential adverse impacts from nearby incompatible activities.

Within the research and development industry area, the preferred land use is technology industries and related activities such as technology services and convenience retailing primarily to serve the needs of the local workforce. Other more industrial activities such as light industry, or inappropriate higher intensity activities are not envisaged in this part of the MIBA.

Some potential exists for a residential component as a mixed use activity in the research and development area context. Preferred forms of residential development include accommodation units for visiting staff and corporate guests, and caretaker’s residences.

In special circumstances appropriate to the intention of promoting a technology-based industry park, a departure from the general requirements of this section may be permitted to accommodate a particular corporate image which relies upon an architectural style and the use of colours and materials outside the scope of this section, and which will not be to the detriment of other development in the MIBA.

#### **7.3.2.4 Recreation, Leisure and Tourism**

Because of its central location in the region and the high level of accessibility and exposure to the regional transport network, there are opportunities for the development of a range of recreation and leisure activities in the MIBA. Opportunities also exist for tourism development, including accommodation which is typically linked to the recreation and leisure facilities.

It is not intended to diminish the role and function of the town centre by providing high order entertainment facilities to the DCP population and the regional population in the MIBA. The type of tourism, recreation and leisure facilities likely to be

provided in the MIBA typically will require large sites and large areas for car parking. There will be a need to ensure that the built form and landscaping of such development is in keeping with adjacent development and the overall character of the MIBA. Possible activities include integrated theme parks, and specialised forms of indoor recreation such as major indoor sporting facilities. Cinema complexes are not intended within the MIBA as this type of entertainment facility is more appropriately located in conjunction with the major shopping centre. However a specialist cinema as part of a major tourist facility may be appropriate in the MIBA.

The visual character, built form and landscaping for entertainment and leisure facilities will be in keeping with the overall character of the MIBA.

Tourist accommodation is likely to be, but need not necessarily be, related to the recreation and leisure facilities. Tourism accommodation requires a high level of visual exposure to traffic and accessibility. While permitting such exposure and providing such accessibility, it is intended to maintain the form and character of development within the overall intentions for the MIBA. The preferred built form is mostly low to medium rise, with a strong emphasis on landscaping and architectural design quality. The development intensity, proportion of site landscaping, and the provision and location of car parking must be complementary to adjacent development.

#### **7.3.2.5 Industry and Service Trades**

The MIBA is the preferred location for any industrial activity that may be permitted in the DCP area, providing that such industrial activity is of a light industry nature. General industry, hazardous and offensive industry, and extractive industry are not intended, nor are similarly high impact uses examples of which might include the manufacture of precast concrete products, heavy metal fabrication or the processing of large quantities of organic materials.

The MIBA is the preferred location for service trades activities apart from service trades establishments which meet the needs of activities in the town centre core and the town centre frame. Generally, it is intended that the service trades activities in the MIBA will meet the needs of residents of Mango Hill and surrounding urban areas with respect to the sales, repair and servicing of a broad range of domestic and commercial appliances and equipment.

Light industrial activities and service trades activities typically involve the use of buildings and land in ways which, if not controlled, are frequently

unsightly and undesirable. Matters requiring detailed control are:

- (a) vehicle storage and maintenance;
- (b) plant and equipment storage and maintenance;
- (c) materials storage;
- (d) signage;
- (e) storage and disposal of waste materials;
- (f) architectural and landscape design;
- (g) building materials and colours;
- (h) amenity;
- (i) emissions; and
- (j) environmental protection.

#### **7.3.2.6 Education and Health Care**

Within the DCP area there is an opportunity to establish tertiary and vocational education and health care facilities. The health care facilities may include a private hospital, 24 hour medical centres and emergency services, i.e ambulance.

In conjunction with the education and health care facilities, there is likely to be an ancillary need for rental accommodation for staff, students, patients and their families.

The preferred location for such facilities may be in proximity to the town centre. There are possible employment and economic benefits of co-locating education and health care facilities with research and development activities in the MIBA.

As with other forms of development in the MIBA, the development of education and health care facilities must respond to the overall open, landscaped character of the MIBA. While buildings may be of low to medium rise, the development intensity, proportion of site landscaping, and the provision and location of car parking must be complementary to adjacent development.

#### **7.3.2.7 Other MIBA Activities**

Other MIBA activities include retail showrooms, warehouses, institutional uses, community facilities, public utilities and other low impact uses which generally are not appropriate to either the town centre core or frame.

Continuous development of retail showrooms along the frontages of major roads and the Bruce Highway is not intended and is considered to be an undesirable environmental outcome opposed by Council.

Retail showrooms may be developed in the MIBA provided that the role and function of the bulky goods retail centre in the town centre are not diminished nor the achievement of that centre delayed as a consequence of this form of development.

For the avoidance of doubt, department store based shopping, discount department shopping and supermarkets are not intended in the MIBA. Rather, it is the intention of development in the MIBA to allow for other forms of retailing such as retail showrooms offering for sale goods manufactured or assembled on-site, building supplies, home furnishings, floor coverings, sporting goods, leisure goods, electronic goods and the like. The nature and scale of retail showroom development in the MIBA must not conflict with the role and function of the bulky goods centre.

Retail showrooms typically are large bulky buildings with the potential for adverse visual impacts upon the urban environment. Retail showroom development may permit a greater proportion of car parking between the building and the road frontage, providing that car parking is landscaped at the edges and with shade trees throughout. The control of building colours may be relaxed for development on lots away from major roads and other highly visible areas. Control over signage is proposed to remain unchanged.

It is also intended to allow for small scale retail uses principally to service the daily convenience needs of the MIBA workforce.

### **7.3.3 Development Intensity**

### 7.3.3.1 General

Overall development intensity in the MIBA, expressed in terms of a plot ratio, will not exceed 0.5:1 based on the gross site area. Within the character areas of the MIBA and within individual development sites, it is envisaged that plot ratios will vary both to a lesser and a greater extent than the overall development intensity of 0.5:1.

### 7.3.3.2 Office Parks

Generally office development within the office park character area will correspond to one of four categories of development intensity. Those categories are:

#### (a) Plot ratio less than 0.25:1

- (1) Typically buildings will be low rise, of a domestic scale and character, and established in landscaped garden settings;
- (2) The minimum landscaped area will be 40% of the site area;

#### (b) Plot ratio between 0.26:1 and 0.4:1

- (1) Typically buildings will be low to medium rise, of a domestic scale and character, and established in landscaped garden settings;
- (2) The minimum landscaped area will be 30% of the site area;
- (3) For a single storey development, with a plot ratio greater than 0.35:1, a minimum 25% of the required car parking is to be located under the building (at basement or ground level);

#### (c) Plot ratio between 0.4:1 and 0.6:1

- (1) Buildings may be low to medium rise, of a commercial scale and character, and established in landscaped garden settings;
- (2) The minimum landscaped area will be 25% of the site area;
- (3) For two storey development a minimum of 25% of the required car parking will be located under buildings;

#### (d) Plot ratio in excess of 0.6:1

- (1) The development intensity is not likely to exceed 1.0 except in optimal circumstances described in a precinct plan in respect of sites nominated on an approved sector plan;
- (2) Typically buildings will be medium rise with opportunities for occasional high rise, of a commercial scale and character, and established in landscaped garden settings;
- (3) The minimum landscaped area will be 25% of the site area.

The establishment of non-office uses within the office park character area, which provide for the daily convenience needs of the MIBA work force is generally supported. The impact of such uses on the criteria contained within the four categories referred to above is to be assessed at the sector plan stage where Council may agree to variations providing the overall office park character is not compromised.

Non-office uses in the office park are to achieve the same character and outcomes which result from the application of the categories listed in (a) - (d) above for offices development.

The precinct plan and the sector plans will establish the landscape concept and more detailed development form and character. Generally development in the MIBA will reflect an urban character.

## 7.4 Design and Siting Measures

Design and siting measures will ensure a comprehensive and integrated approach to development and so achieve the character intention for the MIBA. Design and siting measures will be provided in the sector plans. Design and siting issues to be addressed in the sector plans include:

#### (a) Building set backs

- (1) All building set backs to roads are to be landscaped in a comprehensive and integrated manner. Maintenance of the building set back spaces will be the responsibility of the



registered proprietors of each allotment;

- (2) Allotments fronting the Bruce Highway must have a minimum 20 metre building setback to be landscaped in a co-ordinated manner. In some locations along the Bruce Highway frontage, a greater building setback may be determined in a sector plan, having regard to local influences such as topography and noise levels.

(b) **Building design**

- (1) Any development in the MIBA will be subject to the requirement that building site cover plus the area of any car parking spaces and driveways, will not exceed 75%;
- (2) Preferred building forms include pitched roofs for front office at the least, roof overhangs, recessed windows in external walls, and articulation in lengthy facades;
- (3) Preferred building forms will complement those of adjacent buildings in terms of their architecture, height and bulk, and generally, will avoid the use of industrial building forms, particularly on those allotments fronting either the Bruce Highway or the north-south arterial road;
- (4) Building heights generally will be low rise on allotments where overlooking of residential areas within 100m is likely, and will be low to medium rise on other allotments;

Council will consider fully documented alternative proposals put forward by the principal developer at precinct or sector plan stages which achieve, in Council's opinion, the appropriate protection of amenity for residential properties in the general area.

- (5) Orientation to reduce energy requirements so that the long

side of buildings align wherever possible on an east-west access;

- (6) Where practicable, sheltered pedestrian connections between buildings, including those on adjoining allotments, are encouraged.

(c) **Landscaping**

- (1) Areas visible from roads and open space, such as those in building set-back areas, are to be landscaped in accordance with the landscape concept plan;
- (2) Landscaping for car parking areas is to include shade trees planted at a rate not less than 1 tree per 6 vehicle spaces, and screening trees and shrubs planted so as to screen car parking areas from roads and other areas readily accessible to the public.

(d) **Car parking and loading docks**

- (1) Car parking and loading docks are to be sited and screened so as not to be highly visible from the frontage of the site or from other areas readily accessible to the public. In assessing compliance with this requirement Council will take into account local site considerations and other relevant site planning and development requirements;
- (2) Loading docks and service vehicle storage areas are to be screened to ameliorate such impacts as noise, headlight glare and unpleasant odours.

(e) **Signage, colours and materials**

- (1) To avoid unsightly or excessive advertising, one major sign only is permitted per facade of a building, with the prior approval of the Council and the principal developer;

- (2) Signage and entry details are to be specified in each sector plan for development on allotment within the MIBA;
- (3) Proliferation of unco-ordinated signage along the frontage of the Bruce Highway and major roads will not be permitted. Free-standing signs, such as pylon signs, not related to a particular activity within the MIBA, will not be permitted along these frontages unless for gateway or directional signage purposes;
- (4) The preferred major colours for external walls and surfaces of buildings in the MIBA will be specified in the sector plan;
- (5) Highly reflective finishes are not encouraged in building materials for development in the MIBA.

(f) **Environmental management**

- (1) Building services, plant rooms and equipment rooms located on roofs or externally around buildings are to be sited, designed and constructed in order to:
  - C form an integral part of the overall development on an allotment;
  - C generally not be visible from pedestrian thoroughfares, streets or other areas readily accessible to the public; and
  - C protect the amenity of the area from noise, vibration, smells, fumes, electrical interference or otherwise;
- (2) Environmental management structures or control devices, such as gross pollutant traps, waste disposal bins, flues and the like, are to be designed so as not to detract from the overall visual character of the MIBA or the immediate locality.

(g) **Residential development**

- (1) Residential developments are to be designed to offer a reasonable level of residential amenity, in terms of noise, vibration, fumes, glare, privacy, security and identity, by responding to non-residential development characteristics such as:
  - C hours of operation;
  - C location of loading bays, delivery docks, service areas, waste storage and disposal facilities, flues, air conditioners and the like; and
  - C access arrangements;
- (2) In general the performance criteria specified for the range of housing types in Queensland Residential Design Guidelines and AMCORD provide the design and siting principles and criteria to be addressed in medium density residential development. While the acceptable solutions provided in these publications may generally satisfy the performance criteria for residential development in the MIBA they do not preclude other solutions and may also be modified by an approved sector plan.

“Council will have regard to the outcomes achieved in the application of these design and siting measures and sector plan development standards and codes to determine the suitability for their continued application in subsequent Sector Plans for achieving a high quality of amenity.”

**7.5    Supplementary Table of Development - Mixed Industry and  
Business Area Element**

Purposes for which premises may be erected or used without the consent of Council (Permitted Development)	Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions)	Purposes for which premises may be erected or used only with the consent of Council (Permissible Development)	Purposes for which premises may not be erected or used (Prohibited Development)
COLUMN A	COLUMN B	COLUMN C	COLUMN D
Caretaker's residence Park Local utilities	<p><b>Any one or more of the following purposes on land nominated for that purpose or purposes on an approved sector plan.</b></p> <p>Accommodation units  Bulk garden supplies  Car park  Car wash  Catering premises  Child care centre  Commercial services  Communication station  Contractor's depot  Convention centre  Educational establishment  Electronic simulated conflict  Entertainment library  Estate sales  Funeral parlour  Hardware centre  Heavy Vehicle sales  Home Occupation  Hospital  Hotel  Indoor recreation  Institution  Motel  Office  Outdoor recreation  Outdoor sales  Passenger terminal  Public utilities  Re-cycling depot  Restaurant  Retail nursery  Retail showroom  Sales and information centre  Service industry  Service station  Shop &lt;300m² GFA  Shopping centre &lt;1500m² GLA  Special use  Technology industry  Tourist facility  Transport terminal  Vehicle hire depot  Vehicle sales yard  Veterinary clinic  Veterinary hospital  Warehouse</p> <p><b>Any purpose in this column not nominated</b></p>	<p><b>For land in a sector any purpose not listed in Column A, D or included in Column B but not nominated for that land in an approved sector plan</b></p>	Adult Product Shop Agriculture Air strip Animal husbandry Aquaculture Associated unit Camping grounds Caravan park Casino Cattery Cemetery Community dwelling Concrete batching plant Correctional institution Crematorium Dairy Detached house Display home Domestic storage and recreation structures Duplex dwelling Extractive industry Family day care centre Fuel depot Hazardous industry Heavy Vehicle parking Host farm Kennels Lot feeding Motor sport and shooting Piggery Poultry farm Retirement village Rural industry Shopping centre >1500m² GLA Showground Stables Stock sales yard Townhouse units Transportable home Village Turf farming

The provisions of the Supplementary Table of Development are subject to section 2.4.9 of this DCP.

## 8 COMMUNITY FACILITIES

### 8.1 Desired Environmental Outcomes

#### 8.1.1 General

- (a) To encourage the provision of an appropriate range of community facilities in convenient locations and in step with residents' needs, integrated with the overall development of the DCP area.
- (b) To maximise the use and community benefits of community facilities through the provision of multi-purpose premises, the co-location of uses and establishing high levels of accessibility.
- (c) To achieve an integrated network of pleasant, safe public places for cultural and social interaction.

#### 8.1.2 Specific

- (a) To integrate community facilities with the public transport system, the road network and the open space network.
- (b) To ensure, within the context of a growing population and changing demography, that an appropriate range of community facilities and services are provided within convenient reach of, and which remain highly accessible to residents of, the DCP area and nearby urban areas.
- (c) To ensure that capital and physical resources are utilised effectively and efficiently in meeting the needs for community facilities.
- (d) To co-ordinate the planning and development of integrated community facilities, drawing upon the benefits of co-location and multiple use of shared facilities.
- (e) To maximise the potential for social interaction within community facilities areas.

### 8.2 Planning Intent

In providing a range of community services for the growing population of the DCP area, it is intended that community facilities be provided in:

- (a) the town centre core and frame to fulfil a high level function;
- (b) the MIBA, including community facilities which are generally not appropriate in the Town Centre or as supporting community facilities for the local workforce (e.g child care centre);
- (c) the designated major community facilities areas which will fulfil a regional function or serve a population a part of which will reside beyond the DCP area; and
- (d) the designated areas for local community facilities which are primarily intended for residents within the DCP area.

The community facilities functions within the town centre core and frame are established in Sections 4 and 5 of this DCP.

#### 8.2.1 Major Community Facilities

Major community facilities are designated on the structure plan for the land to the east of the town centre, adjacent to a linear park and Anzac Avenue.

##### Educational facilities

One of the desired environmental outcomes for this area is to provide an integrated shared campus secondary school complex to provide for the Mango Hill population, with additional enrolments coming from other adjacent residential areas and potentially the wider region.

Alternative desirable environmental outcomes may include a stand-alone secondary school together with other appropriate major and local community services.

## Other Uses

If a secondary education establishment does not eventuate an alternative acceptable outcome would be the establishment of other major community facilities and compatible land uses catering for social, educational, health or recreational needs of residents or visitors. For example a medical centre, community building or various forms of outdoor or indoor recreation may be established as services to residents of the DCP area and the wider community.

In general retail, commercial, industrial or residential uses are not considered appropriate in the major community facilities area. However some retail or residential uses, where provided as a minor component of an approved community facility, may be appropriate.

It is intended that local community services be provided in both the town centre core and frame and the designated major community facilities area in order to meet the needs of the town centre residents and the workforces in the town centre, MIBA and major community facilities area.

## Access

The major community facilities area is intended to be serviced by the major road network and have access to a linear park on its northern side. It is intended also that the district open space facilities, such as playing fields and sporting facilities, within the linear park will serve a multiple use function being utilised by the secondary schools, the public and possibly a shared campus primary school complex proposed to be established to the north-west of the linear park.

By locating the major community facilities area adjacent to Anzac Avenue it will buffer traffic noise impacts to the urban residential areas further to the north.

## 8.2.2 Local Community Facilities

As notionally indicated on the structure plan, local community facilities are intended to be established in three locations in the DCP area including:

- (a) the north-west part of the DCP area in the general vicinity of the north-south arterial road;
- (b) the central part of the DCP area adjacent to the linear park; and

- (c) the south-eastern part of the DCP area, most likely to the north of the linear park and the designated major community facilities area.

Local community facilities are intended to provide a wide range of community services meeting the daily needs of small populations contained in one or several villages. The range of community services intended includes:

- (a) convenience retailing and commercial services;
- (b) community health and welfare services;
- (c) primary education and child care services; and
- (d) limited cultural, dining and other entertainment services.

One shopping centre or group of shops only is to be established in each local community centre.

These services are intended to be provided in integrated centres drawing upon the benefits of shared resources such as meeting rooms and display areas, recreation facilities, car parking and public transport. Furthermore, the opportunity will exist for integrated and comprehensive urban design and landscaping to encourage a strong community identity, social interaction and high levels of amenity and public safety.

Cinema complexes are not intended within the local community facilities element as this type of entertainment facility is more appropriately located in conjunction with the major shopping centre.

Access to the local community facilities will be from distributor roads, residential streets and the path/cycleway system within the open space network.

It is intended to provide opportunities for limited mixed use development where a residential unit may be developed in association with a business activity. The mixed use development is seen as an opportunity to provide for new start up businesses and incubated home occupations. However independent residential development is not intended in the local community facilities nodes. Further, residential development which may place unreasonable restriction on the activities of the local community facilities node in providing a wide range of community facilities are considered undesirable development.

Residential components of mixed use developments are to be designed to offer a reasonable level of residential amenity, in terms of noise, vibration, fumes, glare, privacy, security and identity, by responding to non-residential development characteristics such as:

- hours of operation;
- location of loading bays, delivery docks, service areas, waste storage and disposal facilities, flues, air conditioners and the like; and
- access arrangements.

## 8.3 Development Intent

In establishing community facilities, whether at the major or the local level, several important development principles must be observed. These principles are:

- (a) providing an appropriate range and mix of community services in time to meet the needs of the catchment population;
- (b) establishing and maintaining a high level of accessibility to the community facilities; and
- (c) ensuring that community facilities are integrated with other development to achieve maximum community benefits.

### 8.3.1 Range and Mix of Services

An important planning intention of this DCP is to ensure the timely provision of an appropriate range of community facilities and services to meet the changing needs of a growing population. The provision of certain forms of community infrastructure is to be the subject of infrastructure agreements between the principal developer, the Council and the State Government.

Principles for the provision of community facilities are contained in Section 12 regarding infrastructure agreements.

The Mango Hill Infrastructure DCP Planning Study in section 6.5 contains an assessment of the existing community facilities and identifies the additional facilities required to meet the needs of the DCP area population. The planning study also

contains an indicative timing for the provision of certain community facilities which has been determined on the basis of comprehensive needs assessments and linked to the establishment of a service once the population reaches a predetermined level.

While this strategy is sound in community planning and economical terms it may not adequately provide for the immediate essential needs of the initial residents. It would be ideal to provide all community facilities up front for the first residents, however, government and community resources do not realistically enable such provision.

Certain facilities such as a local convenience shopping outlet and access to public transport ideally need to be provided from the time new residents locate in the DCP area and therefore may need to be provided by the principal developer until a viable market base is established. The issue of access to public transport is dealt with in section 10 of this DCP. The principal developer will make provision for an elementary local convenience outlet from the time of occupancy of the first dwelling established in the DCP area until such time as a viable alternative is provided.

Precinct plan preparation must take into account existing and forecast needs for community facilities and community services.

### 8.3.2 Accessibility

In providing highly accessible community facilities and services the range and mix of facilities set out in the infrastructure agreements are to be conveniently located to potential user groups and physically accessible to those groups.

Community facilities are intended to be located on the public transport network and on major roads within the road network. These facilities are to be accessible from the path and cycleway system within the open space network.

Community facilities must be provided with conveniently located all-weather access for residents.

Car parking areas must be:

- (a) situated conveniently to the entrances of community facilities without visually dominating local streetscapes;



- (b) planted with sufficient shade trees to provide shelter for cars; and
- (c) well lit and safe in terms of design, construction and landscaping.

**8.3.3 Integration**

An important intention is that efficiencies be achieved and effectiveness enhanced in the provision of community facilities within the DCP area.

There must be a high level of physical integration of community facilities through the co-location of similar or related community services, sharing of joint physical resources, the provision of multi-purpose facilities, and the integration of the open space system within community facilities where appropriate.

Where necessary, sector plans will establish the administrative means of achieving high levels of integration, for example, access easements and community titles.

Sector plans must ensure appropriate integration of community services occurs in premises through careful detailed design. The following principles must be considered:

- (a) the needs of user groups;
- (b) possible difficulties in providing integrated service facilities;
- (c) safety, convenience and comfort for user groups and service providers;
- (d) the visual implications of different building scales and architectural styles;
- (e) integration with the open space network; and
- (f) the nature and amenity of adjacent uses.

**8.4    Supplementary Table of Development - Major Community  
Facilities Element**

Purposes for which premises may be erected or used without the consent of Council (Permitted Development) COLUMN A	Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions) COLUMN B	Purposes for which premises may be erected or used only with the consent of Council (Permissible Development) COLUMN C	Purposes for which premises may not be erected or used (Prohibited Development) COLUMN D
Caretaker's residence Local utilities Park	<p><b>Any one or more of the following purposes on land nominated for that purpose or purposes on an approved sector plan..</b></p> Car park Car wash Catering premises Child care centre Community premises Cultural facility Educational establishment Estate sales office Hospital Indoor recreation Institution Outdoor recreation Place of worship Public utilities Recycling depot Restaurant Sales and information centre Shop < 300m <sup>2</sup> GFA Special use	<p><b>For land in a sector any purpose not listed in Column A, D or included in Column B but not nominated for that land in an approved sector plan</b></p>	Accommodation units Adult product shop Agriculture Air strip Amusement premises Animal husbandry Apartments Aquaculture Associated unit Bulk garden supplies Camping grounds Caravan park Casino Cattery Cemetery Concrete batching plant Contractor's depot Correctional institution Crematorium Dairy Detached house Display home Domestic storage and recreation structures Duplex dwelling Entertainment library Extractive industry Family day care centre Fuel depot Funeral parlour General industry Hardware centre Hazardous industry Heavy vehicle parking Heavy vehicle sales Home occupation Host farm Hotel Junk yard Kennels Lot feeding Mini brewery Motel Motor sport or shooting Outdoor sales Piggery Poultry farm Retail nursery Retail showroom Retirement village Rural industry Service industry Shopping centre Simulated conflict Stable Stock sales yard

Purposes for which premises may be erected or used without the consent of Council (Permitted Development) COLUMN A	Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions) COLUMN B	Purposes for which premises may be erected or used only with the consent of Council (Permissible Development) COLUMN C	Purposes for which premises may not be erected or used (Prohibited Development) COLUMN D
			Technology industry Townhouse units Transport terminal Transportable home village Turf farming Vehicle hire depot Vehicle sales yard Warehouse

The provisions of the Supplementary Table of Development are subject to Section 2.4.9 of this DCP.

## 8.5 Supplementary Table of Development - Local Community Facilities

Purposes for which premises may be erected or used without the consent of Council (Permitted Development) <b>COLUMN A</b>	Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions) <b>COLUMN B</b>	Purposes for which premises may be erected or used only with the consent of Council (Permissible Development) <b>COLUMN C</b>	Purposes for which premises may not be erected or used (Prohibited Development) <b>COLUMN D</b>
<p>Caretaker's residence Local utilities Park</p>	<p><b>Any one or more of the following purposes on land nominated for that purpose or purposes on an approved sector plan.</b></p> <p>Apartments as part of a mixed use development in association with any other Column B use Car park Catering premises Child care centre Commercial services Community premises Educational establishment Entertainment library Estate sales office Indoor recreation Office Outdoor recreation Place of worship Public utilities Recycling depot Restaurant Retail nursery Sales and information centre Service station Shop &lt;300m<sup>2</sup> GFA Shopping centre &lt;3,000m<sup>2</sup> GLA Special use Veterinary clinic</p> <p><b>Any purpose in this column not nominated for land by the sector plan becomes for that land a permissible development</b></p>	<p><b>For land in a sector any purpose not listed in Column A, D or included in Column B but not nominated for that land in an approved sector plan</b></p>	<p>Accommodation units Adult product shop Agriculture Air strip Amusement premises Animal husbandry Apartments Aquaculture Associated unit Bulk garden supplies Camping grounds Caravan park Casino Cattery Cemetery Communication station Concrete batching plant Contractor's depot Convention centre Correctional institution Crematorium Dairy Detached house Display home Domestic storage and recreation structures Duplex dwelling Extractive industry Family day care centre Fuel depot Funeral parlour General industry Hardware centre Hazardous industry Heavy vehicle parking Heavy vehicle sales Home occupation Host farm Hotel Junk yard Kennels Lot feeding Mini brewery Motel Motor sport or shooting Outdoor sales Piggery Poultry farm Retail showroom Rural industry</p>

<b>Purposes for which premises may be erected or used without the consent of Council (Permitted Development)</b> <b>COLUMN A</b>	<b>Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions)</b> <b>COLUMN B</b>	<b>Purposes for which premises may be erected or used only with the consent of Council (Permissible Development)</b> <b>COLUMN C</b>	<b>Purposes for which premises may not be erected or used (Prohibited Development)</b> <b>COLUMN D</b>
			Service industry Shopping centre >3000m <sup>2</sup> GLA Showground Simulated conflict Stable Stock sales yard Technology industry Tourist facility Townhouse units Transport terminal Transportable home village Turf farming Vehicle hire depot Vehicle sales yard Warehouse

The provisions of the Supplementary Table of Development are subject to Section 2.4.9 of this DCP.

# 9 OPEN SPACE

## 9.1 Desired Environmental Outcomes

### 9.1.1 General

To provide a comprehensive and integrated system of open space fulfilling aesthetic, recreation, conservation, transportation and environmental management functions for the DCP area.

### 9.1.2 Specific

- (a) To integrate the open space system, as a key structural element, with other elements of the DCP area such as the transport network and the community facilities network.
- (b) To provide landscaped buffers between incompatible uses within and bordering the DCP area.
- (c) To provide visual relief and aesthetic amenity to the urban landscape as part of the integrated approach to planning, design and development of the DCP area.
- (d) To provide for a wide range of satisfying, structured and unstructured recreation opportunities for residents.
- (e) To ensure that, through integrated planning and good design, recreation opportunities offered in the open space system will be rewarding and can be pursued safely by the public.
- (f) To conserve and protect land of local and wider conservation value within the open space system for the enjoyment of present and future generations.
- (g) To integrate pedestrian and bicycle modes of transport within the open space system, linking urban residential areas with local community facilities, major community facilities, the MIBA and the town centre.
- (h) To use the open space system as an effective means for maintaining high

levels of environmental quality through water management, habitat protection, wildlife corridors and acoustic buffering.

- (i) To provide a village park as a focus for each residential village.

## 9.2 Planning Intent

It is intended that a full range of open space opportunities will be conveniently available to the community as it develops. Open spaces include land designated for public park purposes, unallocated land held by the Council or the Crown as well as areas of private recreational open space. Examples of open space are:

- (a) enlarged areas of roadways used for open space;
- (b) golf course, including practice areas and buffer areas;
- (c) landscaped areas, including landscaping for visual or acoustic screening or buffering;
- (d) pedestrian and bicycle pathways;
- (e) waterways;
- (f) water bodies used for environmental management purposes; and
- (g) other outdoor recreation areas.

Sufficient land is to be set aside at the development stage to provide for the diverse recreational needs of the community. The open space needs of the community are to be provided through the provision of land and appropriate facilities in accordance with the infrastructure agreements. The agreements will specify the area of land and the range and timing of recreation infrastructure capital works to be provided. The provision of open space is to be in step with the needs of the growing community as stipulated in clause 12.6 and the infrastructure agreement.

To meet the open space desired environmental outcomes the following range of open spaces will be required for the community:

- (a) environmental park;

- (b) linear park system;
- (c) town park;
- (d) village and local parks;
- (e) district and local playing fields; and
- (f) open space buffers.

### 9.2.1 Environmental Park

The environmental park is an area of remnant bushland in the north-east corner of the DCP area, adjacent to Saltwater Creek and is shown in green on the structure plan. It has been identified as an area of environmental and cultural significance and is intended to be conserved and protected. The environmental park encompasses an identified cultural heritage site located adjacent to Saltwater Creek and the buffers recommended around that site. The environmental park is intended to link with a larger regional body of open space based on Saltwater Creek and the Hays Inlet estuarine system. Hays Inlet and Saltwater Creek are within the 'Conservation Zone' under the Marine Parks (Moreton Bay) Zoning Plan 1997 and are covered by the Habitat Conservation and Protection management strategies under the Moreton Bay Strategic Plan 1993. It is also a designated Fish Habitat Area under the Fisheries Act 1994. Any development within the environmental park is to be consistent with and advance the planning objectives of these regulatory mechanisms. It is intended to be used principally for nature conservation as well as to fulfil education, landscape and amenity roles.

It may be appropriate to provide a recreational trail, including a bridle path, along the perimeter of the environmental park possibly linking with the buffer park along the western boundary of the Mango Hill village. The recreational trail, if established, will be designed and located to ensure the environmental values of the environmental park are not compromised.

The principal developer must submit a management plan for the environmental park prior to undertaking any development which may impact on the environmental park.

The Departments of Environment and Heritage and Primary Industries are to be consulted by the principal developer when preparing the management plan.

### 9.2.2 Linear Park System

The structure plan provides for a system of linear parks extending into the DCP area from the Saltwater Creek drainage system. Each of the linear parks is linked directly or indirectly with the Saltwater Creek and Hays Inlet drainage system. The basic structure of the linear park system is shown in green on the Structure Plan.

The linear park system is intended to serve open space, recreational and environmental needs at the district level. It will achieve this through:

- (a) a network of cycleways, paths and trails allowing movement throughout the DCP area while remaining in a natural or landscaped setting;
- (b) retention where practicable of continuous corridors of trees, shrubs and grasslands which is subject to minimal maintenance regimes for the purpose of permitting the movement of fauna through the DCP area and providing natural outlooks for residents. Specifically the linear open space providing a link between the Bruce Highway and the northern boundary of the DCP area is to be specifically retained as a wildlife corridor;
- (c) inclusion of artificial wetlands and water bodies for water management prior to discharge into Saltwater Creek;
- (d) direct connections from urban residential areas to district playing fields, the town centre and community facilities;
- (e) enhancement of open spaces by the provision of educational and interpretative facilities;
- (f) control over the design and siting of public facilities such as clubhouses, amenities, car parking areas, furnishings and lighting; and
- (g) the provision of playing fields and multi-purpose courts.



### 9.2.3 Town Park

The town park is intended to provide a range of structured and unstructured recreation spaces related to adjoining town centre activities. For example, if located adjacent to the town centre core, the town park may take on a formal arrangement of spaces, landscaping and furnishing. By contrast adjacent to the town centre frame, the town park typically will consist of playing fields and other structured recreation facilities. The town park may include an ornamental waterbody which performs aesthetic, landscaping, recreational and environmental management functions. It is desirable to provide public access around the entire perimeter of the water body which will facilitate jogging and walking track circuits. The town park may consist of a series of interconnected open spaces throughout the town centre.

### 9.2.4 Village and Local Parks

Village and Local parks will take a variety of forms and are intended to provide for a range of functions determined on a case by case basis during precinct planning. Some of the functions of these parks include providing:

- (a) the focal point for each residential village;
- (b) opportunities for unstructured recreation;
- (c) aesthetic benefits and visual relief for urban residential development;
- (d) environmental protection and management functions; and
- (e) connections with the path system (pedestrian and cycleways).

### 9.2.5 District and Local Playing Fields

Sporting fields generally are to be provided in a number of major clusters, including one in the northern part of the DCP area and one in the southern part. The sporting fields are generally intended to be linked with the community facilities in order to achieve the benefits of co-location and multiple use. The linear park system will provide pathways linking to the district playing fields.

Vehicle access to the district playing fields is to be provided via roads specifically designed to accommodate the anticipated traffic flows and discourage through traffic on the local road system.

The amenity of the surrounding residential area is to be protected in the design and development of the district playing fields. Sporting fields may also provide a hydraulic mitigation function for major storm events.

### 9.2.6 Buffers

The open space system also includes buffer areas which are intended principally to:

- (a) screen the effects of incompatible land uses from the DCP area;
- (b) screen the development of the DCP area from existing land uses so as to protect existing character values;
- (c) provide opportunities for commercial recreation, such as a golf course, for which there may be a demand during the life of the development;
- (d) provide opportunities for recreational trails.
- (e) provide for or protect existing areas or features of local aesthetic or intrinsic value; and
- (f) ameliorate environmental effects from existing or proposed infrastructure.

The open space buffers generally are to be linked with, and are intended to be landscaped to reflect their function and complement other elements of the open space system.

It may be appropriate to locate a recreational trail, including a bridle path within the open space buffer along the western boundary of the Mango Hill village.

Council may not accept all or any land within open space buffers as park. Although recognising the dual function which park and open space can perform land which specifically and primarily functions as a buffer will generally not be considered as a park contribution for the purposes of calculating park contributions in accordance the infrastructure agreement.

## 9.2.7 Open Space Components

The following components are important considerations in establishing the role, function and character of open spaces:

- (a) the environmental management system including sedimentation ponds or basins or lakes;
- (b) pedestrian and bicycle transport system;
- (c) landscape treatments; and
- (d) a range of recreational opportunities.

The components of the open space system are intended to enhance the environmental quality, urban amenity and quality of life attainable in the DCP area.

The environmental management system is intended to mitigate and manage the potential downstream effects of urban development in the DCP area, principally through the management of urban drainage and stormwater. The environmental management system is also important in providing opportunities for the movement of wildlife. Environmental performance objectives and indicators are intended to be established through infrastructure agreements.

The water management system, upon which much of the linear park system is based, relies upon integrated measures for pollution control. Both natural and constructed measures are intended, including gross pollutant traps, artificial wetlands, purifying waterbodies, detention basins and grassed drainage swales. Water bodies forming part of the water management system are a desired environmental outcome.

The path network to be provided within the open space system is intended to provide an alternative means of transport in the DCP area. Connections with adjacent areas are intended to be provided, further integrating the development of the DCP area with its urban surrounds. Integration of the recreational path network with the transport network is to be achieved through the preparation of precinct plans.

Important functions of the path network include:

- (a) connecting the urban residential areas with local and major community facilities, and the major employment areas of the town centre and the MIBA;
- (b) providing opportunities for recreation in natural and landscaped settings; and
- (c) connecting the DCP area with adjacent areas.

will be provided as park. An additional contribution will be provided in relation

The path network is also intended to provide a focus for broad-scale community recreation, enhancing the quality of life for residents in the DCP area.

The landscape treatments of the open space system are intended to recognise and enhance the different roles and functions, locational characteristics and natural qualities of open space. Natural qualities will be maintained through a practice of utilising native plants of local provenance. Through a comprehensive approach to landscaping, the open space system should have diversity and interest for a wider range of users while at the same time serving as a mechanism for restoring the degraded natural environment of the DCP area.

## 9.2.8 Landscape Plans

It is intended that an integrated and comprehensive open space system will be provided through the provisions of the approved landscape concept and design plans described in section 2 of this DCP. In preparing the landscape concept and design plans the development intent set out in the following section is to be met.

## 9.3 Development Intent

The creation of the open space system is to take place progressively with the subdivision and development of the DCP area. The contribution for the open space system may consist of land and the embellishment of that land in accordance with the infrastructure agreement.

### 9.3.1 Extent of Open Space

Open space is to be provided in accordance with the relevant infrastructure agreement. Principles for the provision of open space, including the amount and characteristics of land suitable for dedication as park, are contained in Section 12.6 of this DCP. In principle, an equivalent of at least 10% of the site comprising land and improvements

to high density residential development. The extra contribution of park will be determined at the precinct or sector plan stage in response to the nature and actual density of high density residential development proposed in accordance with the Infrastructure Agreement.

Parks must be progressively provided as subdivision approvals are issued by Council. For practical reasons the principal developer and Council might agree to dedicate park ahead of the development program, subject to conditions. In the same manner park may not be transferred with every development approval where not provided for in the relevant sector plan.

Generally and where practical park will be dedicated in sequence with development approvals or within a reasonable time of development approvals. A balance sheet of park contributions, including land and park enhancements infrastructure, will be maintained by Council to monitor progress of park contributions. The balance sheet will be updated in accordance with the infrastructure agreements.

## 9.4 Design of Open Space

The development of the open space system is intended to reflect the characteristics set out in Table 9.1. Table 9.1 includes a general guide as to the characteristic of the various categories of park and open space while the infrastructure agreement will include details of such matters as the items which will be allowed as park enhancement works.

OPEN SPACE CATEGORY	CHARACTERISTICS
Environmental park	<ul style="list-style-type: none"> <li>(1) May be developed to retain its natural state and rehabilitated as appropriate to maintain water filtration functions, and protect its environmental values and to provide for the retention of existing indigenous flora and fauna in accordance with the environmental management plan prepared in accordance with section 9.2.1 of the DCP.</li> <li>(2) May be developed with low impact facilities such as paths, interpretive facilities, shelters and car parking in accordance with carrying capacity.</li> <li>(3) To provide environmental education value and to heighten public awareness of why such areas are worthy of protection</li> </ul>
Linear park	<ul style="list-style-type: none"> <li>(1) Makes up the largest portion of the open space system.</li> <li>(2) A significant area of linear park lies below the Q2 floodline (ie. within waterway corridor.</li> <li>(3) May be maintained in a natural condition or rehabilitated to reflect the natural condition of the bushland in the locality</li> <li>(4) May include environmental management features such as wetlands and waterbodies where considered appropriate following detailed design.</li> <li>(5) May include various forms of commercial recreation such as a golf course.</li> <li>(6) Will be developed to replicate the natural landscape to the fullest extent possible while maintaining its recreational and engineering functions.</li> <li>(7) To be developed with a network of paths providing linkages between residential areas and community facilities, town park.</li> <li>(8) May be developed with shelters, play structures, gazebos and park furniture.</li> <li>(9) Playing fields, multipurpose courts, indoor facilities, amenities for community use, car parking and terraced seating may also be developed in certain locations in accordance with the infrastructure agreement.</li> <li>(10) Playing fields in linear parks will typically be 3-4 ha in area and comprise of local playing fields, multi-purpose courts, indoor facilities and other amenities.</li> </ul>

OPEN SPACE CATEGORY	CHARACTERISTICS
Town Park	<ul style="list-style-type: none"> <li>(1) Adjacent to the town centre, more formal landscaping treatments will be adopted including formal arrangements of plazas, rest parks and ornamental gardens. A recreational lake may also be included.</li> <li>(2) May extend as a green spine or series of interconnected open spaces linking the town centre core with the linear park to the north.</li> <li>(3) The formal areas are intended to provide recreation opportunities for residents of the DCP area and other areas.</li> <li>(4) The less formal areas adjacent to the town centre frame will include some playing fields, and possibly an amphitheatre for outdoor performances.</li> <li>(5) A jogging/walking circuit may be included preferably around the perimeter of any water feature.</li> </ul>
Village parks	<ul style="list-style-type: none"> <li>(1) The form of village parks will vary according to their roles and functions but in most cases will provide the focal points for residential villages. Village parks will provide gardens, picnic areas, half courts, other amenities. Village parks will serve a catchment of households within approximately 400m or 5 minute walking distance</li> <li>(2) The typical size of village parks will vary from to 0.5 -1.0 ha (larger village parks may be provided in certain circumstances).</li> <li>(3) May be developed with park furniture, play structures, shelters and seating.</li> </ul>
Local parks	<ul style="list-style-type: none"> <li>(1) The form of local parks will be pocket parks scattered at regular intervals throughout the residential areas serving a catchment of households within approximately 200m. Local parks will provide children's play areas, residential outlook, etc</li> <li>(2) The minimum size of local parks will be approximately 0.2 ha.</li> <li>(3) May be developed with limited play equipment</li> </ul>

OPEN SPACE CATEGORY	CHARACTERISTICS
District and local playing fields	<p>(1) To be provided in a number of groupings in the northern and the southern parts of the DCP area, linked with community facilities such as schools.</p> <p>(2) Will be developed to provide opportunities for active recreation for residents and the wider regional community.</p> <p>(3) Playing fields are to be either junior size or laid out in regulation size and alignment, and may be supported with amenities buildings, clubhouse facilities and car parking.</p> <p>(4) May be developed with pavilions, seating, furniture, gazebos, fencing and pathways.</p>
Buffers	<p>(1) Will generally be linear in form with the width and length determined by the specific purpose of the buffer.</p> <p>(2) May provide a range of passive recreational activities including footpaths and bikeways and/or recreational trails.</p> <p>(3) Commercial recreation uses which characteristically require large areas of land, such as a golf course, may be established in the buffer areas provided the purpose of the buffer is maintained.</p>
<b>Table 9.1 Open Space Characteristics</b>	

## 9.5 Supplementary Table of Development - Open Space Element

Purposes for which premises may be erected or used without the consent of Council (Permitted Development) COLUMN A	Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions) COLUMN B	Purposes for which premises may be erected or used only with the consent of Council (Permissible Development) COLUMN C	Purposes for which premises may not be erected or used (Prohibited Development) COLUMN D
Park Local utilities	<p><b>Any one or more of the following purposes on land nominated for that purpose or purposes on an approved sector plan.</b></p> <p>Educational establishment Occasional market (in town centre only) Outdoor recreation Public utilities Recycling depot</p> <p><b>Any purpose in this column not nominated for land by the sector plan becomes for that land a permissible development</b></p>	<p><b>For land in a sector any purpose not listed in Column A, D or included in Column B but not nominated for that land in an approved sector plan</b></p>	<p>Accommodation units Adult product shop Air strip Amusement premises Animal husbandry Apartments Aquaculture Associated unit Bulk garden supplies Car park Car wash Caravan park Casino Cattery Cemetery Commercial services Communication station Community dwelling Concrete batching plant Contractor's depot Convention centre Correctional institution Crematorium Dairy Detached house Display home Domestic storage and recreation structures Duplex dwelling Entertainment library Extractive industry Family day care centre Fuel depot Funeral parlour General industry Hardware centre Hazardous industry Heavy vehicle parking Heavy vehicle sales Helicopter landing site Home occupation Hospital Host farm Hotel Institution Junk yard Kennels Licenced club Lot feeding</p>



Purposes for which premises may be erected or used without the consent of Council (Permitted Development) COLUMN A	Purposes for which premises may be erected or used without the consent of Council subject to conditions (Permitted Development subject to conditions) COLUMN B	Purposes for which premises may be erected or used only with the consent of Council (Permissible Development) COLUMN C	Purposes for which premises may not be erected or used (Prohibited Development) COLUMN D
			Mini-Brewery Motel Motor sport or shooting Office Outdoor sales Passenger terminal Piggery Place of worship Poultry farm Retail nursery Retail showroom Retirement village Rural industry Service industry Service station Shop Shopping centre Simulated conflict Stable Stock sales yard Technology industry Townhouse units Transport terminal Transportable home village Turf farming Vehicle hire depot Vehicle sales yard Veterinary clinic Veterinary hospital Warehouse

The provisions of the Supplementary Table of Development are subject to section 2.4.9 of this DCP.

# 10 TRANSPORT & CIRCULATION

## 10.1 Desired Environmental Outcomes

### 10.1.1 General

To establish, through a comprehensive and integrated approach to planning, an efficient, functional transport system within the DCP area, appropriately linked to the regional transport network and the surrounding urban areas.

### 10.1.2 Specific

- (a) To plan and appropriately integrate the DCP area progressively with the existing and future regional and local transport networks.
- (b) To establish high levels of accessibility within the DCP area through a hierarchy of major and local roads catering for through traffic and local traffic safely and efficiently.
- (c) To keep through traffic off the local road network in urban residential areas.
- (d) To establish a functionally efficient and safe network of vehicular, bicycle and pedestrian routes linking designated activity nodes, employment centres and urban residential areas within the DCP area and surrounding area.
- (e) To integrate a public transport system with the internal road and recreational path network and activity nodes in order to establish and maintain high levels of mobility within the DCP area.
- (f) To create an access system which is adaptable to future transport requirements.
- (g) To incorporate a high standard of environmental protection in providing for the transport needs within and external to the DCP area.

## 10.2 Planning Intent

### 10.2.1 Overall Intent

The Mango Hill development presents an opportunity, through the master planning process, to integrate the transport system for the DCP area with the wider area. The development of the DCP area is intended to provide for a range of transportation modes, including buses, motor vehicles, integration with rail services, pedestrian paths, bikeways and possibly recreational bridle trails. The internal transport network, comprising roads and paths, will extend these modes to the town centre and the employment nodes of the DCP area, as well as establishing linkages with the surrounding area and the region.

Integration with the regional transport network is desirable in order to take advantage of the strategic location and to implement the development intentions for the town centre and other elements within the DCP area, such as the major employment centre and secondary and tertiary education facilities. Connections with the Bruce Highway, Boundary Road, Anzac Avenue and the rail network are necessary to achieve the levels of mobility and accessibility required. This will include provision for a future north-south arterial road intended to relieve pressure from traffic movements on the Bruce Highway in the medium to long term. The north-south arterial and possibly other major internal and bounding roads may need to be adaptable to future transportation requirements, such as accommodating a possible regional busway system.

The development of the transport network within and external to the DCP area will be undertaken progressively over a period of approximately 20 years by the State Government, the Council and the principal developer. Infrastructure agreements between these parties are to determine the roles, responsibilities, cost-sharing arrangements and timing for the provision of transport infrastructure.

It is intended that the principal developer in conjunction with the Department of Transport and Council prepare a Development Co-ordination Plan for public transport operating within the DCP area and connecting to outside areas. This Development Co-ordination Plan should include all forms of non-car based transport, including non-motorised transport such as major commuter pedestrian and cycle paths.

10.2.2 External Transport Network Intent

The desired environmental outcomes sought in terms of the external transport network are:

- (a) integration with existing elements of the regional transport network;
- (b) integration with future elements of the regional transport network;
- (c) timely provision of an adequate range of transport services to the DCP area; and
- (d) amelioration of any adverse environmental effects of increasing regional traffic volumes on external elements of the transport network.

10.2.3 Internal Transport Network Intent

The internal transport network is to comprise a comprehensive hierarchy of roads, public transport routes and pedestrian and bicycle paths provided progressively and in step with the needs of the community. An appropriate road hierarchy will be established in the urban residential areas to control through traffic and to maximise residential amenity and safety. It is intended that the internal transport network provide a fully integrated circulation system linking urban residential areas with activity nodes such as open space, schools and other community facilities, employment nodes and the town centre.

It is intended that a community based public transport service will be available to residents of the DCP area in the initial stages of development.

An important aspect of the transport network within the DCP area is the landscaping of road corridors and the open space network through which the path system will mostly pass. The urban roads and streets of the DCP area are intended to be pleasant in their appearance, safe, and highly efficient in their function and performance.

The desired environmental outcome sought in terms of the internal transport network are:

- (a) a high level of accessibility between the urban residential areas and activity and employment nodes;

- (b) a high level of safety and integration with all elements in the design and development of the network;
- (c) pleasant landscaped bicycle, pedestrian and vehicular thoroughfares throughout the DCP area;
- (d) reduced reliance upon the private motor vehicle for mobility and minimised adverse effects upon the environment in terms of physical and amenity impacts;
- (e) segregation of local and non-local traffic; and
- (f) a high standard of safety and amenity achieved through road design rather than other traffic calming devices.

10.3 Development Intent

10.3.1 Public Transport

Extension of the public transport network into the DCP area is necessary to ensure the achievement of an acceptable level of service and amenity for residents. Furthermore, public transport is necessary to provide access to the high order facilities which provide services extending beyond the DCP area. For example, the major shopping centre and the high order administrative, commercial, educational and entertainment and leisure facilities to be found in or adjacent to the town centre will all require high quality public transport services to achieve their functional potential.

Public transport is intended to include bus services within the DCP area, with linkages to the external network. The external public transport network includes commuter bus services to other metropolitan centres, and the commuter and inter-regional passenger rail services on the North Coast railway.

To facilitate connections with the public transport network, it is intended that a public transport transit centre be established within or adjacent to the town centre core. This facility will accommodate commuter and inter-regional bus services and taxi services. Desirably the transit centre will be integrated with the major shopping

centre, the transportation system links to the MIBA, urban residential areas and the wider community.

A community bus service will be provided to meet the transport needs of residents in the initial stages of development until such time as the public bus services become operational in the DCP area.

The development of the road network is intended to make appropriate provision for bus routes, including a requirement that the majority of dwellings will be situated within 400 metres of a bus route.

With the possible extension of a railway to the Redcliffe Peninsula, there may be a future need to plan for a rail corridor and station within the DCP area in the vicinity of the town centre. Further detailed planning is required, in conjunction with Queensland Transport and Queensland Rail, to determine the overall feasibility of this possible rail line, as well as the location of the corridor and station facilities to be provided.

At the time this DCP was formulated, the Council could not ascertain the likelihood and time frame for construction of the mooted Petrie to Kippa-Ring railway line. Public transport planning in the DCP area retains an option for the extension of a railway from Petrie to Kippa-Ring together with a railway station until the State Government concludes its feasibility studies. The structure plan makes provision for this possible rail connection to the town centre on the understanding the Transport Department will undertake a detailed and definitive study to finally determine the public transport requirements and programs for this part of the northern corridor. This is in keeping with the recommendations of the Integrated Regional Transport Plan. The feasibility of this corridor and station will be the subject of a State Government public transport study to commence in the 1998/99 financial year. In the event the feasibility study does not firmly endorse the Redcliffe rail proposal, or some practical derivative of it, and lead to the adoption of an implementation program by 30 June 2000, then the provision for the rail connection to the town centre will no longer be a requirement of this DCP.

Desirably the possible railway station will be linked with, or in reasonable proximity to, the major shopping centre within the town centre core.

### 10.3.2 External Roads

#### Bruce Highway

The Bruce Highway as part of the national highway network, provides the principal access route from the Brisbane metropolitan area to the northern growth corridor and the DCP area. Access to the Bruce Highway from the DCP area is provided via Anzac Avenue and Boundary Road. Regional growth in traffic flows will require upgrading of the highway, including interchanges, with development of the DCP area contributing to that growth.

Traffic flows on the Bruce Highway impact upon land along the western edge of the DCP area through exhaust emissions and noise. It is intended that building setbacks, configuration and design together with landscape requirements within development sites adjacent to the Bruce Highway will mitigate these impacts. Furthermore, the structure plan designates the area fronting the Bruce Highway for MIBA and town centre development as a further means of buffering the impact of the highway upon residential development within the DCP area.

The three possible links indicated on the Structure Plan from the possible Bruce Highway service road into the town centre are subject to detailed studies which demonstrate normal safety and capacity requirements to the satisfaction of the Department of Main Roads.

#### Anzac Avenue

Anzac Avenue provides the principal point of access from the DCP area, and the town centre, to the regional road transport network. As with the Bruce Highway, regional growth in traffic will require upgrading of Anzac Avenue and the interchange with the Bruce Highway. The development of the DCP area will contribute to the regional growth and the requirement for upgrade works.

Contributions to upgrading works for Anzac Avenue are to be provided through the transport infrastructure agreement between the State Government, the Council and the principal developer.

Traffic flows on Anzac Avenue impact upon land in the DCP area through exhaust emissions and noise. However, the structure plan designates the area adjacent to Anzac Avenue generally for non-residential land uses such as the town centre frame and community facilities as a means of

buffering the impact of Anzac Avenue traffic upon residential development within the DCP area.

### **Boundary Road**

The strategic plan indicates a possible future road link connecting Boundary Road to Anzac Avenue in Rothwell basically along the line of a tributary of Saltwater Creek at the northern extremity of the DCP area. The road link was included in the strategic plan at the request of Redcliffe City Council which had expected higher population growth within its local authority area than has actually occurred over the past ten years.

Council, the Department of Main Roads and the principal developer undertook traffic and transport studies which, among other issues, investigated the need for this road link. These studies involved consultation with Redcliffe City Council and Caboolture Shire Council.

Whilst the Department of Main Roads does not require this link to be preserved as a future State controlled road, it is Council's intention that this matter is determined by January 2003 in conjunction with the resolution of the issue of constructing a possible future local road connection from Rothwell across Saltwater Creek, to link with the major road network depicted on Map 3.

### **Possible Bruce Highway Overpass**

A possible future Bruce Highway overpass may be constructed generally in the vicinity of the common boundary between the Dakabin Tip and privately owned land south of the Tip. Other alternative locations in this general area include a possible location at or near Kerr Road. This overpass will, if constructed, provide a new road connection between the Dakabin/Kallangur district and the DCP area, as well as achieving an important public transport link with the commuter railway station at Dakabin. The overpass also connects with a possible future major road link (to Alma Road) identified in the North Pine Development Control Plan.

### **Webster Road/McGahey Street and Lipscombe Road Connections**

The Departments of Transport and Main Roads, the principal developer and Pine Rivers Shire in consultation with Caboolture Shire and Redcliffe City Councils undertook traffic and transport studies which, amongst other things, investigated issues associated with possible road connections from McGahey Street/Webster Road and Lipscombe Road.

These studies showed that Webster Road/McGahey Street provided significant transport benefits between Deception Bay Road and the DCP area.

It is Council's intention that future planning within the north-eastern part of the DCP area shall not compromise the option of constructing a possible future local road connection from Rothwell across Saltwater Creek to link with the major road network depicted on DCP Map 3 provided this matter is determined, including cost and responsibility for the project, by approximately January 2003 in conjunction with the resolution of the need for a link connecting Boundary Road to Anzac Avenue at Rothwell.

A possible future road connection between Lipscombe Road and the DCP area road network is not supported or agreed to by Council on the grounds that this connection is inconsistent with Council's road hierarchy aspirations within the DCP area and will unduly impact on the intended residential amenity and character of the DCP area.

However, the provision of public transport, walking and cycling facilities across the northern boundary of the DCP, either on or in the vicinity of Lipscombe Road would be supported.

## **10.3.3 Internal Roads**

In developing a network of internal roads and streets, the over-riding design principle adopted in the master planning approach is to maximise the number of dwellings fronting low flow streets while minimising the extent of non-frontage access roads. The network of internal roads is intended to reflect a clear hierarchy comprising the following elements:

- (a) proposed north/south arterial road;
- (b) major roads;
- (c) local streets; and
- (d) laneways.

### **Proposed North/South Arterial Road**

The proposed north/south arterial designated on the structure plan is intended to accommodate two lanes in each direction extending generally north-south through the DCP area. This road will cater for high volumes of traffic as well as pedestrians and cyclists in separate carriageways and thoroughfares. It may also need to make provision for a possible separate busway. Direct

access from development sites will not be provided from this road.

The south bound carriageway of the ultimate 4 lane dual carriageway north/south arterial road shall not be located closer than 20 m to the DCP boundary in the vicinity of the Mango Hill Village. A 20 m buffer is to be maintained along the DCP boundary adjoining Lots 1 and 2 RP 123625. This 20 m buffer is to be landscaped, including revegetation, to Council's satisfaction to provide an effective visual screen and provide for the mitigation of future traffic source effects on air quality and noise levels. Upon gazettal of this DCP the principal developer is to prepare and submit for Council's approval a landscape plan. Upon approval of this plan the principal developer shall immediately undertake the works required by the plan.

Noise attenuation devices which comply with Table 11.1 regarding the mitigation of traffic noise effects are to be provided when required and the landscape plan is to have regard to the future requirement for such devices to minimise the need to remove established landscaping at a later date.

### **Major Roads**

The notional major roads, also designated on the structure plan, are intended to collect and distribute traffic from the residential villages to the town centre and the major employment nodes. The major roads generally adopt a modified grid pattern across the DCP area. Major roads will carry traffic and local bus services on a single carriageway.

### **Local Streets**

The arrangement of local streets within the overall road pattern, including collector roads, access streets and access places is intended to generally reflect a modified grid pattern. The final pattern of local streets, will be determined through detailed planning at the sector plan level. A network of collector roads will extend throughout the community to service the various development areas and to allow for local bus services. Local access streets and access places will then complete the street network to provide a comprehensive structural framework for the infilling of each of the residential villages.

Local streets are intended to accept circulating traffic and pedestrian traffic in safe conditions that discourage through traffic. Careful design of this

local network will ensure that traffic speeds are maintained to safe, low levels to help create livable residential streets.

Local streets will be constructed as single carriageway roads which permit on-street car parking, with street tree plantings in the grass verges.

### **Laneways**

As part of the innovative approach to providing a variety of housing choices in the DCP area, the hierarchy of roads will include laneways. The function of laneways will be to provide rear access to some residential allotments.

Laneways are intended to be constructed with a single carriageway of sufficient width to convey two-way traffic flows in most circumstances, allow a truck and a car to pass at very low speeds and accommodate service vehicles for garbage collection.

## **10.3.4 Path Network**

### **Overall Approach**

A key element of the transport and circulation strategy for the DCP area is the provision of a highly developed recreational path system appropriately integrated with the road network, public transport service and the land use pattern of open space, activity nodes, for example, community facilities, schools, employment centres and urban residential areas. The recreational path system is intended to cater for bicycle and pedestrian traffic so as to increase mobility, choice in mode of transport and reduce the reliance upon the private motor car as a means of transport, especially within the DCP area. "Commuter" cycle routes are to be provided primarily within road reserves. The design and location of these commuter cycle routes is to comply with the Council's Bikeways Plan and integrate with surrounding areas. "Recreational" and local bicycle traffic will generally be accommodated on shared pedestrian/bicycle paths within the open space network.

To achieve the objective of high levels of mobility throughout the DCP area, irrespective of its stage of development, it is intended to integrate paths located within road reserves with those constructed within open space to progressively establish the path system.

For reasons of safety and utility, it is intended that the recreational path system make adequate space for pedestrians and cyclists where shared use is proposed, and in areas of high usage, separate paths for pedestrians and cyclists may need to be provided. Shared recreational paths, including pedestrian/bicycle paths, provided in areas of open space are to be designed in accordance with the bikeways plan and located so as to maximise visibility, sight lines and public scrutiny, and be developed with:

- (a) adequate night lighting;
- (b) safe horizontal and vertical gradients;
- (c) safety rails and fencing where adjacent to waterbodies, steep cross-falls and at major road crossing points; and
- (d) adequate drainage.

The potential for recreational trails, including bridle paths, within the DCP area is to be investigated. While it is generally not appropriate to integrate horse riding with pedestrian and cycle networks it may be possible to locate separate bridle paths along the edges of the DCP area, such as within buffer parks and along the perimeter of the environmental park adjacent to the Mango Hill village.

### **Town Centre Path System**

An important element in achieving a high level of accessibility to and within the town centre will be the extension of the community recreational path system to and throughout the town centre. Pedestrians and cyclists must be able to move freely and safely to and within the town centre without having to compete for space with vehicular traffic. The town centre pathway system is likely to be comprised of dedicated pathways, roadside paths, and public plazas and pedestrianised open spaces.

It is intended that safe and secure bicycle storage facilities be provided adjacent to the major shopping centre, community facilities and the transit centre, as well as other major activity and employment centres.

### **Connections Across Bruce Highway**

To effectively link the DCP area with existing and future urban development west of the Bruce Highway, a minimum of three access points are

necessary. The most logical locations would be in the vicinity of Boundary Road, Anzac Avenue, and the proposed highway overpass.

## **10.4 Permeability**

An underlying principle for the development of the DCP area is that of maximising the permeability of the urban area to a range of transport modes while maintaining a clear and legible hierarchy. This principle will be best implemented through the complete integration of the road network with public open space, the recreational path system, open spaces within road reserves and development sites.

A desirable planning outcome will entail an integrated system of streets, paths and open spaces which permit the safe and easy movement of pedestrians and cyclists between activity areas and the residential villages. Preferably this system will be designed, constructed and landscaped in a way which ensures a high level of legibility to create a mix of formal and informal thoroughfares throughout the DCP area.

# 11 ENVIRONMENTAL PROTECTION

## 11.1 Desired Environmental Outcomes

### 11.1.1 General

To establish a sustainable community that balances and integrates:

- (a) protection of ecological processes and natural systems;
- (b) economic development; and
- (c) maintenance of the cultural, economic, physical and social well being of people and communities.

### 11.1.2 Specific

- (a) To facilitate the building of a sustainable community living and working in a safe and pleasant urban environment.
- (b) To identify, protect and manage ecological, cultural heritage resources or social attributes of local, regional, state or national significance within the DCP area and recognise the potential impacts of development upon similar attributes in adjacent areas.
- (c) To adopt appropriate environmental management practices to avoid, or mitigate and manage the potential adverse effects of development and environmental harm as required by the *Environmental Protection Act 1994* (EPA).
- (d) To reduce resource and energy requirements for the Mango Hill development through providing opportunities for walking and cycling and the establishment of a viable public transport system, innovative building designs, shared use of public facilities and spaces, and the extensive use of low maintenance landscapes in open spaces.
- (e) To recognise and mitigate adverse effects such as noise, diminished air

quality, transmitted heat, light and glare from adjacent land uses, transport systems and other urban and rural activity in the planning, design and siting of development.

- (f) To provide the means for the establishment or enhancement of habitat areas and wildlife corridors primarily along the linear parks through the DCP area connecting with the regional open space network.
- (g) To minimise the loss of remaining stands of native vegetation when undertaking development wherever practicable.

## 11.2 Planning Intent

This DCP recognises that the physical processes to achieve protection of the environment are governed by the provisions of the (EPA). Planning is intended to co-ordinate, integrate and manage the process by which development occurs and impacts on the environment. In the planning of the DCP area it is necessary to consider and accommodate the inter-relationships between land, water and climate. These variables and the way in which they combine, directly influence the character of the natural environment within the DCP area and beyond in terms of drainage systems, flora and fauna, energy cycles and landscapes.

The existing state of the DCP area is far from pristine as it has been severely disturbed by previous activities conducted upon the land, particularly the most recent forestry activities, the harvesting of that forest and the removal of stumps. Forestry activities have left the DCP area devoid of many of the natural elements of the environment which might typically be present in other undisturbed parts of the locality, although some remnants of that environment have survived.

Development proposed for the DCP area must, of necessity, recognise the existing environment and seeking to achieve in an integrated manner reduction of potentially adverse effects of development on the existing environment while at the same time seeking to achieve rehabilitation and restoration of areas disturbed by previous land users. Development within and adjacent to the



linear park, the environmental park and open

space areas, is to be consistent with the planning objectives of relevant state regulatory mechanisms established to protect Hays Inlet and Saltwater Creek. These include the Marine Parks (Moreton Bay) Zoning Plan 1997, the Moreton Bay Strategic Plan 1993, the Environmental Protection Act and the Fisheries Act 1994. The rehabilitation of areas previously disturbed must consider in a sensitive way the restoration of flora and fauna native to the DCP area.

The single ownership of the DCP area has the advantage of allowing for integrated management of the environment. This factor alone should be instrumental in achieving a level of integrated environment protection superior to what might be achieved if the land were developed in a piecemeal way by a series of separate owners.

The planning intent for the DCP area in environmental terms is to:

- (a) protect waterways from the potential impact of more intensive land use activities within the DCP area;
- (b) prevent encroachment of development into flood plains;
- (c) provide opportunities for wildlife movement through the DCP area;
- (d) retain and rehabilitate areas of remnant vegetation;
- (e) create buffers between areas of incompatible land uses;
- (f) preserve the environmentally sensitive area in the north-east of the DCP area; and
- (g) provide additional areas of open space.

Planning for land in the DCP area must, where relevant, take into account the planning intent contained in this section.

## 11.3 Development Intent

In order to achieve the desired environmental outcomes and intent of this section development must seek to generally satisfy the performance criteria for each issue listed in Table 11.1.

Table 11.1

### Environmental Performance Criteria

ISSUE	PERFORMANCE CRITERIA	DESIRED OUTCOMES
<b>Water cycle management</b>	<ul style="list-style-type: none"> <li>C Attainment of acceptable surface water quality</li> <li>C Maintenance of flow regimes at the pre-development level</li> </ul>	<ul style="list-style-type: none"> <li>C Surface water flows are to meet standards established by EPP (Water - Protection of Aquatic Ecosystems) (sub 24 Iss 8.2 (e))</li> <li>C For standing water in a constructed water feature, water quality suitable for the proposed use (eg contact quality, non-contact quality).</li> <li>C Stream flows downstream of DCP area are to meet the requirements of the Pine Rivers Shire Council's Design Manual.</li> </ul>
<b>Drainage corridors</b>	<ul style="list-style-type: none"> <li>C Protection and enhancement of vegetation cover along drainage corridors</li> <li>C Maintenance of flow path stability</li> </ul>	<ul style="list-style-type: none"> <li>C Retain remnant vegetation within open space to the greatest extent practicable.</li> <li>C Enhance and supplement with landscaping to provide corridor opportunities.</li> <li>C Adequate buffers to minimise vegetation loss and uncontrolled access to flow paths.</li> <li>C Provide controlled access points to open space in the vicinity of flow paths.</li> </ul>
<b>Receiving environments</b>	<ul style="list-style-type: none"> <li>C Protection of Hays Inlet and Saltwater Creek</li> </ul>	<ul style="list-style-type: none"> <li>C Discharges to receiving environments are to meet the requirements of EPP (Water) and the Infrastructure Agreements.</li> </ul>
<b>Habitat protection</b>	<ul style="list-style-type: none"> <li>C Retention of remnant vegetation</li> <li>C Establishment of potential wildlife corridors</li> </ul>	<ul style="list-style-type: none"> <li>C Retention of significant stands of remnant vegetation in areas of open space to the greatest extent practicable.</li> <li>C Enhancement with supplementary plantings of similar indigenous species.</li> <li>C Provision of protective buffers to formal landscaped areas and to development.</li> <li>C Supplementary plantings to form continuous links of sufficient sustainable width at all forest levels (eg understorey, mid-storey, canopy).</li> <li>C Creation of networks of open space to accommodate and buffer corridor vegetation.</li> </ul>
<b>Soil erosion and sedimentation</b>	<ul style="list-style-type: none"> <li>C Minimisation of soil erosion</li> </ul>	<ul style="list-style-type: none"> <li>C Mitigation works in drainage lines and for sheet flows on development sites.</li> <li>C Progressive rehabilitation of construction sites (planting, surfacing, drainage).</li> <li>C Stabilise, rehabilitated surfaces soon after construction.</li> <li>C Implement appropriate soil erosion protection measures.</li> </ul>

ISSUE	PERFORMANCE CRITERIA	DESIRED OUTCOMES
	<ul style="list-style-type: none"> <li>Minimisation of sedimentation</li> </ul>	<ul style="list-style-type: none"> <li>Minimal soil loss from construction sites.</li> <li>Provide appropriate gross pollutant traps.</li> </ul>
<b>Stormwater drainage</b>	<ul style="list-style-type: none"> <li>Maintenance of acceptable water quality in drainage corridors</li> <li>Accommodation of flood events in drainage corridors</li> </ul>	<ul style="list-style-type: none"> <li>Drainage waters are to meet the requirements of EPP (Water) and the Infrastructure Agreements.</li> <li>Flows within overland flow paths are to be managed in accordance with the Pine Rivers Shire Council's Design Manual.</li> </ul>
<b>Acoustic conditions</b>	<ul style="list-style-type: none"> <li>Mitigation of traffic noise effects</li> <li>Mitigation of commercial and industrial noise effects</li> </ul>	<ul style="list-style-type: none"> <li>Effective noise mitigation measures which meet EPP standards for residential areas or in accordance with Council's policy.</li> <li>Landscaping of buffer areas where appropriate.</li> <li>During construction, effective noise mitigation measures which meet EPP standards for residential areas.</li> <li>Segregation of incompatible land uses.</li> <li>Landscaped buffers between commercial or industrial sites and residential areas.</li> <li>Post-construction, effective noise mitigation measures which meet EPP standards for residential areas.</li> </ul>
<b>Air quality</b>	<ul style="list-style-type: none"> <li>Mitigation of traffic sources effects on air quality</li> <li>Mitigation of construction works effects on air quality</li> </ul>	<ul style="list-style-type: none"> <li>Landscaped buffers between major roads and residential areas.</li> <li>EPP standards for residential areas.</li> <li>Mitigation measures (dust suppression, methods of operation).</li> <li>EPP standards for residential areas.</li> </ul>
<b>Liquid and solid waste management</b>	<ul style="list-style-type: none"> <li>Management and disposal of liquid waste</li> <li>Management and disposal of solid waste</li> </ul>	<ul style="list-style-type: none"> <li>Comprehensive sewerage system adequate for the community's needs.</li> <li>Extension of trade waste services to DCP area.</li> <li>Municipal collection services.</li> <li>Convenient access to waste transfer station.</li> <li>Extension of trade waste services to DCP area.</li> </ul>

ISSUE	PERFORMANCE CRITERIA	DESIRED OUTCOMES
<b>Acid Sulfate So</b>	<p>C Protection of environmental values and attainment of acceptable surface water quality of the receiving environment.</p>	<p>C Acid Sulfate Soils (ASS) investigations are undertaken for all works below 5 metres AHD, in accordance with QASSIT draft "Sampling &amp; Analysis procedure for Lowland ASS in Queensland (not including engineering &amp; shrinkage tests)" 15 October 1997 Revision 3.47 or later versions thereof as such become available.</p> <p>C If ASS is identified, an ASS management plan is developed prior to any works being undertaken. The management plan describes the measures to be taken to prevent or minimise, to the greatest extent practicable, the threat of environmental harm to the receiving environment.</p> <p>C Water quality of receiving environments are to meet standards established by the EPP (Water) 1997 and the Australian Water Quality Guidelines for the Protection of Aquatic Ecosystems.</p>
<b>Cultural Heritage</b>	<p>C Sites, items and places with cultural heritage value will be identified and protected</p>	<p>C Cultural heritage values within the area will be identified in a culturally appropriate manner.</p>

EPP = Environmental Protection Policy

ASS = Acid Sulfate Soils

AHD = Australian Height Datum

QASSIT = Queensland Acid Sulfate Soil Investigation Team

# 12 INFRASTRUCTURE AGREEMENTS

## 12.1 Introduction

An essential element of the development of a master planned community is the appropriate and timely provision of infrastructure for:

- (a) water supply and sewerage;
- (b) stormwater;
- (c) roads and transport;
- (d) open space; and
- (e) community facilities

## 12.2 General

In order to ensure the appropriate and timely provision of these items of infrastructure and, before development is approved under this DCP, the principal developer will enter into the necessary infrastructure agreements with the Council and the relevant government or government agencies. This DCP will not commence to operate until legally binding agreements for the provision of infrastructure have been entered into. In the case of the Department of Main Roads and Queensland Transport, this DCP will not commence until a Memorandum of Understanding or Heads of Agreement on the basic principles for the provision of infrastructure have been legally entered into on the understanding that legally binding and more detailed agreements will be entered into at a later stage.

Council will require any infrastructure agreements to, among other things, satisfy the Basic Criteria - water and sewerage, stormwater, roadworks and transport, community facilities and open space.

## 12.3 Water and Sewerage

The DCP area is presently not included in Council headworks area for the provision of water and sewerage and the principal developer will need to make agreements with Council to bring forward these essential services.

### Basic Criteria

- (a) To ensure that existing and future users within Council's existing headworks area as depicted in Council's headworks documents as of March 1998 are not disadvantaged.
- (b) To ensure that the strategy adopted for providing water and sewerage services

for the DCP area will result in no financial disadvantage to Council.

- (c) To ensure Council is immune from risk associated with expenditure to be incurred by Council to match the projected rate of development within the DCP area.
- (d) The water and sewerage services to the DCP area will form part of the sub regional scheme for the northern part of the Shire.
- (e) The principal developer will be responsible for the design and construction for parts of the systems to service the DCP area in accordance with a strategy approved from time to time by Council.
- (f) The Council will require a headworks contribution towards the provision of water and sewerage services as follows:

### Water

The principal developer will pay a water headworks charge of \$1,993 per Equivalent Tenement (ET), which will be varied on the same basis as headwork charges for water are varied across the Shire.

The principal developer shall pay a bulk water supply adjustment charge of \$460 per Equivalent Tenement (ET), this amount to be increased in accordance with the percentage increase for Indexation in 12.7.

(Equivalent Tenement means a demand equal to 1350 litres per day)



Note: The water headworks charge converts to a rate of \$18,954 per hectare.

### Sewerage




The principal developer will pay a sewerage headworks charge of \$731 per Equivalent Person (EP) which will be varied on the same basis as headwork charges for sewerage are varied across the Shire.

# MANGO HILL INFRASTRUCTURE DCP Major Roads

## STATE CONTROLLED ROAD CORRIDORS

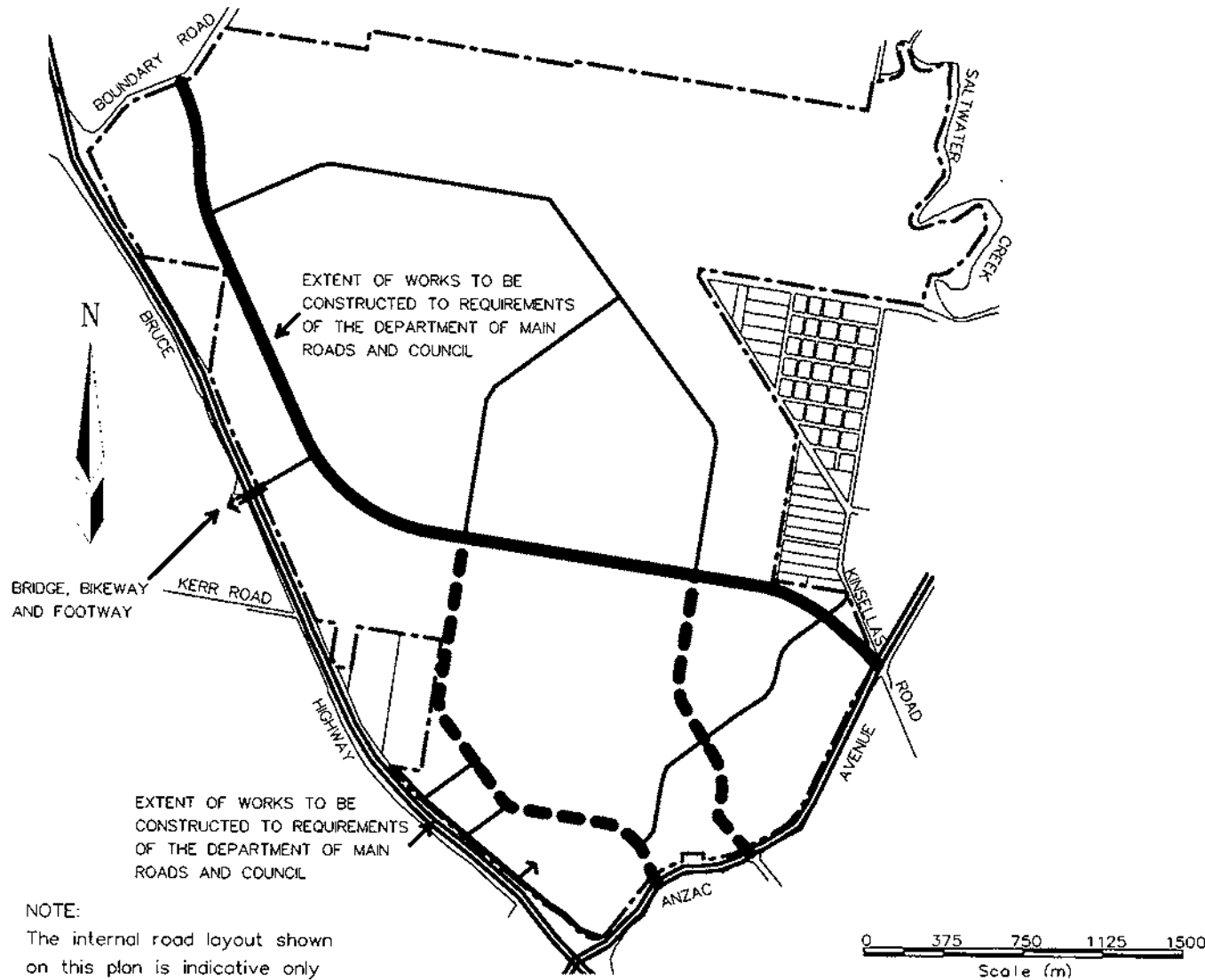
-  Proposed North-South Arterial Road
-  Existing Arterial Roads

## OTHER MAJOR ROADS

-  Arterial Roads
-  Sub-Arterial and Trunk Collector Roads
-  DCP Boundary

 Bridge

Note:- Collector And Access Roads Not Shown



Map 4



(Equivalent Person means a loading of 250 litres per day).

Note: The sewerage headworks charge converts to a rate of \$22,928 per hectare.

- (g) The principal developer will, from time to time, be required to make a capital contribution for water supply headworks to Council to ensure no financial disadvantage to Council as a result of the development. The method of determining the capital contribution shall be specified in the Infrastructure Agreement.

The capital contribution is to be reduced by:

- (1) the amount of any water supply headworks credit available to the principal developer at the time; and
- (2) the amount of the bulk supply adjustment charge already paid to the Council.

- (h) The definition of water and sewerage headworks contained in section 2 of Local Planning Policy LP 10 - Water and Sewerage Contributions applies.

12.4 Stormwater

Land use planning needs to be cognisant of the impact and treatment of stormwater generated by development. This DCP therefore recognises the importance of managing stormwater discharges in a planning sense, however the management of stormwater, including flows and quality of stormwater, is governed by the provisions of the Environmental Protection Act 1994 and it is not necessary for this DCP to make provision for matters governed by that Act.

Basic Criteria

- (a) The provision of stormwater drainage infrastructure for the DCP area will not cause a nuisance or annoyance to any person.
- (b) Any strategy for stormwater drainage infrastructure within the DCP area will be approved by Council and will include

the management of stormwater drainage discharge in accordance with:

- (1) Council's Local Laws and Design Manual and policies, except where varied by a precinct or sector plan;
- (2) Environment Protection Policy (Water); and
- (3) Relevant Catchment Management Plans including the Saltwater Creek Catchment Management Plan and Freshwater Creek Catchment Management Plan.

- (c) The principal developer will not be responsible for treating stormwater quality for stormwater run off which originates from outside the DCP area.

- (d) The entire stormwater management system will be maintained and proven to be operating to Council's satisfaction at accepted design standard prior to the system being transferred to Council.

- (e) The proposed strategy identified in Council Minute Pages 97/1313-21 for management of stormwater drainage for tributary C in the DCP area is to be used as the model for management of stormwater drainage in the DCP area.

- (f) Following construction of the stormwater drainage infrastructure in tributary C in accordance with the model and after appropriate monitoring of stormwater quality, Council may modify the target concentration standards for total Nitrogen, total Phosphorous and suspended solids for future stormwater drainage infrastructure.

In future strategies, the pre-development catchment characteristics to be assumed will be:

- (1) areas west of the Bruce Highway - existing conditions (open forest, grassland and urban development);

(2) DCP area - open grassland and semi-vegetated depressions.

- (g) The principal developer will, at no cost to Council, design and construct the stormwater drainage infrastructure to service the DCP area in accordance with the strategy approved from time to time by Council.
- (h) The principal developer will prepare for Council approval a Stormwater Management Plan for each major sub catchment in the DCP area complying in particular with the requirements of section 4.5.0 of Volume 1 of the Design Manual.
- (i) If, after the principal developer has exercised its best endeavours, including the exercise of its statutory rights, to acquire downstream drainage rights Council recognises it has a statutory discretion it may exercise to acquire land or interests in land.
- (j) The principal developer may, from time to time, be required to make a capital contribution for implementing mitigation of stormwater quality and quantity. The Catchment Management Plan will determine the capital contribution and the method of payment shall be specified in the Infrastructure Agreement.

network for the DCP area will result in no financial disadvantage to Council.

- (d) The principal developer will be responsible for designing and constructing at no cost to Council the road network in the DCP area in accordance with Council approvals and in particular will design and construct at no cost to Council the roads depicted on Map. 4 in accordance with Council's Design Manual current at the time of commencement of engineering design for the relevant section of road.
- (e) Should Council adopt a road development contribution scheme for the Shire at some future time, nothing in this DCP or the infrastructure agreements shall be construed to exempt the DCP area from the operation of the scheme. Such a scheme shall, in principle, include a credit system whereby works by any developer are credited against the developer's contribution required under the scheme.

Relevant works by the principal developer pursuant to an infrastructure agreement shall be given proper recognition and credit (if considered appropriate by Council) in accordance with the terms of the scheme.

## 12.5 Roads and Transport

Access to the DCP area is from roads under the control of both the State and Council. Development will necessitate the provision of an appropriate road network within the DCP area which must take into account not only traffic generated by the development but make provision for the integration within that network of regionally generated traffic. The impact on the existing road network external to the DCP area must also be assessed.

### Basic Criteria

- (a) To provide an effective and efficient road network in the DCP area to Council's satisfaction.
- (b) To provide adequate road and recreational path network connections to land outside the area.
- (c) To ensure construction of the road

- (f) The principal developer must satisfy the Main Roads Department requirements in regard to the State road network within the DCP area and adjacent to or in the vicinity of the DCP area.
- (g) The principal developer must satisfy the Transport Department requirements in regard to the public transport network within the DCP area and adjacent to or in the vicinity of the DCP area.

## 12.6 Open Space

Open space provision is an important and desirable feature of the Mango Hill development and must recognise Council standards and provide a wide range of open space areas to cater for the varying needs of the community. In addition, environmentally sensitive areas should be set aside for preservation, restoration and enhancement. The broad nature of the open



space system is contained in Section 9.

Unless the framework of land use set out in this DCP intensifies, a park contribution which satisfies the Basic Criteria will be sufficient park contribution for the DCP area.

#### **Basic Criteria**

- (a) 10% of the DCP area will be transferred to the Crown as park except as may be otherwise provided herein.
- (b) The area of park in (a) can be reduced by an agreed value of works which enhance the recreational value of the park.
- (c) The monetary value of any agreed works will be determined in accordance with Council's Policy LP22.
- (d) Council, having regard to the integrated nature of the development of the DCP area and its overall scale, is prepared to accept from the principal developer works which may reduce the land contribution to approximately 8%.
- (e) Agreed works are limited to certain forms of park enhancement works. The general categories of agreed works will be stated in the infrastructure agreement. The works and values will be determined as the relevant times for park contributions arise. Where agreement cannot be reached, the decision by Council will be final and binding.
- (f) The area of the town centre lake above the pre-development Q20 lines will be accepted as park.
- (g) The following land will not be accepted as park:
  - (1) land below the post development Q20 flood line;
  - (2) the area of any water bodies outside the town centre where their primary function is to manage water quality and control stormwater;
  - (3) the area of any school playing field or any playing field being

relied upon to provide the school's requirements for active recreation;

- (4) land required for the attenuation of transportation noise under Council's policies;
  - (5) land required for stormwater drainage purposes;
  - (6) land which contains an easement for power lines, stormwater drainage purposes or any other purpose which may impact on the suitability of the land for use as park and open space.
- (h) In total, the area of the open space system (comprising 8% park, and additional public and private open space), will be approximately 190ha or about 18% of the DCP area.

## 12.7 Community Facilities

A development of the size proposed must make proper allowance for provision of community facilities such as a library, a community recreation and leisure centre, community centres and provision for community services which will be

- (d) Infrastructure Arrangements as required between State Government Agencies and the principal developer will determine the type and level of community facilities to be provided by State Government Agencies.
- (e) The principal developer shall be responsible for the following obligations:

### Community Recreation and Leisure Facility

The principal developer will, no later than 1st September 2001, transfer at no cost to the Council, a 2 ha site within the town centre frame area, in a location satisfactory to the Council.

Council, in its absolute discretion, may build and operate a community recreation and leisure facility on the land and the principal developer will contribute \$3.8 million towards the facility as Council's obligations for progress payments relating to the construction arise.

progressively required by the community as development occurs. Some services will need to be provided from the start of the development or from the start of any major 'new front' of development. Other components may be developed incrementally.

### Basic Criteria

- (a) To ensure the timely provision of an appropriate range of community facilities and services to meet the changing needs of a growing population.
- (b) Community facilities and services will be provided in convenient locations in step with the needs of residents. They will be integrated into the DCP area in a sensitive manner responding to surrounding land uses, taking opportunities for co-location and sharing of resources and having a high level of accessibility.
- (c) Major community facilities will be provided to serve the residents and the work force of the DCP area as well as the wider community.

Council will be prepared to consider alternative proposals from the principal developer regarding the construction and operation of the facility.

### Community Centre

- (1) The principal developer will transfer to the Council by 1st June 2003, at no cost to the Council, 5,000m<sup>2</sup> of land in the town centre frame in a location satisfactory to the Council.
- (2) The principal developer will, within twelve (12) months of Council sealing the plan which includes the 1,760th residential lot in the DCP area, be responsible for the construction on the land referred to in (1) of building works for community purposes up to a value of \$500,000.00.
- (3) Until such time as the community centre referred to in (2) is completed, the principal developer will provide for community use

purposes on terms satisfactory to the Council no less than 150m<sup>2</sup> of suitable space in an agreed location which could be in its Sales and Information Centre.

#### **Local Community Centre No. 1**

- (1) The principal developer will, at no cost to the Council, transfer by 1st June 2007, 2,000m<sup>2</sup> of land in the urban residential area in a location satisfactory to the Council for the purpose of a local community centre.
- (2) The principal developer will, within twelve months of Council sealing the plan which includes the 4,460th residential lot in the DCP area, be responsible for the construction on the land referred to in (1) of building works to the value of \$200,000 for local community purposes.

#### **Local Community Centre No. 2**

- (1) The principal developer will, at no cost to the Council, transfer by 1st June 2011, 2,000m<sup>2</sup> of land in the

#### **Library**

Provided Council has opened for use a permanent library in the town centre core or town centre frame on or before the sealing of the plan which includes the 7,160th residential lot, the principal developer will pay to the Council an amount equal to eighty percent (80%) of the value of the library at the time of the sealing of the plan which includes the 7,160th residential lot. The principal developer's contribution will not exceed \$800,000.

urban residential area in a location satisfactory to the Council for the purpose of a local community centre.

- (2) The principal developer will, within twelve months of Council sealing the plan which includes the 7,160th residential lot in the DCP area, be responsible for the construction on the land referred to in (1) of building works to the value of \$200,000 for local community purposes.

#### **Community Services and Facilities Contribution**

The principal developer will, commencing on 1st July 2000 and each year thereafter until 1st July, 2014, contribute to the Council the sum of \$30,000 to be used by Council in the manner agreed from time to time with the principal developer for community services and facilities. This contribution shall be paid annually no later than the 1st July each year with the last payment to be made by 1st July, 2014.

#### **Indexation**

The monetary amounts referred to in (e) will be increased in accordance with the percentage increase in the Price Index for materials used in building, other than house building (All Groups Index for Brisbane) ABS Publication 6407 from the date of the gazettal of this DCP.

# 13 MISCELLANEOUS PROVISIONS

## 13.1 Existing and Interim Uses

### 13.1.1 Existing Uses

In accordance with the provisions of the PEA, the existing lawful use of the DCP area for agriculture, animal husbandry and park purposes may continue.

### 13.1.2 Interim Uses

Given the large size of the DCP area and the long time frame (approximately 20 years) to complete the ultimate development of the DCP area it is desirable to provide for the establishment of appropriate interim uses. Interim uses are not the final development form and will be superseded by final development approved in accordance with the process established in section 2 of this DCP.

This provision is not intended to circumvent the standard development approval processes contained in section 2 of this DCP but rather to provide for the establishment of certain forms of interim development which are appropriately located, designed, constructed and operated prior to the land being developed for its final use.

Interim development may be for purposes associated with the management, maintenance or development of the DCP area or other temporary purposes which can be readily established and superseded without significant impact or investment in non-reusable resources.

#### 13.1.2.1 Management and Development Interim Uses

Despite any other provision of this DCP the principal developer may make application to the Council to use land or erect or use a building for the purpose of maintenance, planning rehabilitation, construction or management of the DCP area including any of the purposes listed below in the manner specified for code assessment development applications under IPA

(a) any part of the DCP area whether or not a precinct or sector plan has been approved may be used for any of the following purposes :

- (1) agriculture (not being an existing use);
- (2) animal husbandry (not being an existing use);
- (3) contractor's depot (associated with the development of the DCP area);
- (4) earthworks including creation of water bodies (where contained in an area the subject of an approved precinct plan);
- (5) excavation of material for use in construction within the DCP area;
- (6) park and landscaping (where contained in an area the subject of an approved precinct plan);
- (7) local utilities;
- (8) plant nursery (for plants used in the development of the DCP area);
- (9) public utilities;
- (10) storage of construction materials and equipment for use in the development of the DCP area; and
- (11) turf farming (for turf used in the development of the DCP area);

(b) any part of the DCP area for which no sector plan has been approved and which is not within 500 metres of the DCP boundary (other than where the boundary abuts Boundary Road or the Bruce Highway) or land included in a sector plan and on which development has commenced may be used for any of the following purposes:

- (1) concrete batching plant (for construction purposes in the DCP area);

- (2) hazardous industry (storage of dangerous goods for construction purposes in the DCP area);
- (3) helicopter landing site;
- (4) rural industry.

The principal developer may make application in the manner specified for development permits requiring impact assessment for any of the above uses listed in (b) 1-4 above over land within 500m of the DCP boundary (other than where the boundary abuts Boundary Road or the Bruce Highway) or a sector plan boundary containing land on which development has commenced.

### 13.1.2.2 Other Interim Uses

Despite any other provision of this DCP the principal developer may make application in the manner specified for development permits requiring impact assessment to use land or erect or use a building in any part of the DCP area for which no sector plan has been approved and which is not within 500 metres of land included in a sector plan and on which development has commenced for the interim purposes listed below:

- (a) bulk garden supplies;
- (b) camping grounds;
- (c) occasional market;
- (d) outdoor recreation;
- (e) retail nursery;
- (f) riding school;
- (g) showground;
- (h) tourist facility;
- (i) turf farming;
- (j) any other interim purpose which is considered appropriate by Council

### 13.1.2.3 Conditions of Approval

Council may impose reasonable or relevant conditions on its approval of an interim use under this clause including but not limited to a limitation on the period of the use, access, service provision, environmental protection, residential amenity, fencing, car parking and rehabilitation.

Despite any limitation on the period of use imposed by Council the use must cease within thirty (30) days of the approval by Council of a sector plan which includes the land for which an interim use has been approved or which relates to land within 500 metres of land used for a purpose listed in sub-section 13.1.2.1(b) above.

## 13.2 Mango Hill Village

Mango Hill village is a relatively small community which lies immediately to the east of the DCP area. The residents have generally settled in Mango Hill village because of its rural character, relatively isolated location, absence of through traffic and generally more relaxed and safer lifestyle than in suburban communities.

Planning for the DCP area has taken these values, aspirations and lifestyle choices into account in several ways:

- (a) the creation of a landscaped open space network located mainly along existing creeks and drainage paths which will increase the recreation opportunities of existing Mango Hill village residents substantially and provide a soft non-urban edge to the DCP area;
- (b) the creation of a pedestrian and bicycle path system within the open space network, and on roads where necessary, extending from the DCP area to Mango Hill village;
- (c) improved access to a much broader range of modern facilities and services without any change to the semi-rural, low intensity character of Mango Hill village;
- (d) the location of the activities of highest intensity in the DCP area on sites remote from Mango Hill village;
- (e) retention of sensitive environments within and adjacent to the DCP area, including Portion 388 to the north of Mango Hill village and adjoining areas, to create an environmental buffer around Mango Hill village;
- (f) incorporation of a number of environmental safeguards, for example, in relation to water cycle management which will ameliorate potentially adverse impacts on Saltwater Creek and Hays Inlet ecosystems; and
- (g) consideration of the need to provide possible recreational trails for horse riding in close proximity to the Mango Hill village.

These initiatives, when taken as part of the overall master planning approach to integrated development in the DCP area, will address the principal concerns of residents as expressed during consultations with them.

The principal developer and the Council will establish a consultation protocol for consulting with the residents of Mango Hill village.

The consultation protocol should provide for various forms of consultation including the provision of general information about the progress, design and timing of the development and interactive consultation in regard to matters which may directly affect the Mango Hill village such as the design of a sector adjacent to the village.

### 13.3 Car Parking

If for land in a sector it is intended to modify the car parking requirements of the planning scheme, then vehicle parking spaces must be provided for each development in that sector in accordance with the principles, guidelines and planning requirements as follows:

- (a) the integrated and overall planning of the development of the DCP area (which is possible due to the scale of the proposed development) means car parking can be provided in an overall orderly and planned basis which will provide adequate car parking spaces within easy walking distance of each development and avoid a proliferation of unsightly car parking areas and a general wastage of land;
- (b) the Council presently has requirements for car parking set out in Division 2 Part 7 of the planning scheme and the Design Manual, Book 1, Volume 1 Road and Drainage Design Guideline No.4;
- (c) the car parking space requirements in the planning scheme were calculated on the basis of stand-alone developments of relatively small size and the tables represent only indicative levels of car parking which are not necessarily appropriate to the development of the DCP area because of the scale, complexity, mass and relationship of the developments proposed;
- (d) it is not possible to be specific about car parking at the date of this DCP so

it is appropriate for car parking needs to be assessed at the beginning of the development of each sector or at least each proposed development site;

- (e) this assessment must be carried out by a traffic engineer whose qualifications and experience are acceptable to Council taking into account some or all of the following circumstances as appropriate:
  - (1) the level of provision of, and the need to encourage the use of, public transport facilities;
  - (2) the likelihood of a generation of greater or less than normal peak parking demand, including requirements for staff;
  - (3) the location of the sector or site in relation to existing or proposed public car parking areas and other parking areas;
  - (4) the level of pedestrian/cycle accessibility;
  - (5) the nature of the proposed use, including hours of operation, anticipated intensity and its integration with other development;
  - (6) avoidance of proliferation of unsightly car parks;
  - (7) avoidance of over-provision of car parking spaces;
  - (8) the amount of off-site parking spaces including kerbside parking space; and
  - (9) other relevant and reasonable factors;
- (f) the assessment must be given to Council with the sector plan and must be considered by Council in determining the number of parking spaces to be provided for development proposed in that sector;
- (g) the Council, when approving a sector plan, may either adopt the assessment provided by the traffic engineer or determine the level of car parking provision to be made.

13.4 Definitions

13.4.1 Introduction

(a) Interpretation

The definitions are arranged in two groups. The first group, section 13.4.2, contains administrative definitions and the second group, 13.4.3, contains purpose definitions.

Unless the context otherwise indicates or requires the terms in each group have the meaning respectively assigned to them. Where any term used in this DCP is not defined in this DCP but is defined in the Local Government (Planning and Environment) Act, Integrated Planning Act or a Council local law, the term has, for the purposes of this DCP and unless the context otherwise indicates or requires, the meaning assigned to it by the relevant Act or local law.

Any question as to whether a use is contained within a definition, or a class of uses, is to be determined by the Council.

(b) Use of Limiting Criteria to More Specifically Define Particular Uses in Sector Plans

A use may be limited in extent by a sector plan by including in parentheses elements of the use, area of use, type of goods or services or hours of operation and in that event the meaning of the purpose is to be read down so as to be limited to the elements, area, type of goods or services or hours of operation stated in parentheses.

(c) Notwithstanding anything to the contrary in this DCP, no development shall be undertaken which, in the opinion of the Council would -

- (1) by its design, orientation or construction materials, have or be likely to have a detrimental effect on the amenity of the area or adjoining development, or place undue restriction on the future development of land in the vicinity;
- (2) cause or be likely to cause interference with the amenity of the area from the operation of machinery or electrical equipment, or from light, noise, shadow, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, electrical interference or otherwise.

13.4.2 Administrative Definitions

Ancillary	Incidental to, subordinate to, and necessarily associated with. The term refers only to activities conducted on the same site.
Appointed day	The day upon which the Order in Council notifying that the Governor in Council has approved this DCP is published in the Gazette, or where the context otherwise indicates or requires, the day upon which any amendment is effective.
Building	Any fixed structure which is wholly or in part enclosed by walls and which is roofed. The term includes any part of a building.
Building line	Has the meaning assigned to it by the <i>Building Act 1975</i> .
Caravan	Any motor vehicle or trailer designed or adapted for human habitation. The term includes any annexe to a motor vehicle or trailer but does not include a transportable home.





Council	The Council of the Shire of Pine Rivers.
Curtilage	The area of land appurtenant to a building or other structure.
Developer	A person or entity who proceeds with the development of all or part of the land within the DCP area in accordance with a development approval granted by the Council.
DCP	The Mango Hill Infrastructure Development Control Plan and any plan made under it.
DCP Area	The area shown on DCP Map 1.
Development	The use of any land or the erection or use of any building or other structure, or the carrying out of building, mining or engineering operations in, on or under land, or the making of material change to the use of any premises.
Dwelling unit	Any building or part of a building which comprises self-contained accommodation for the exclusive use of a single family. The term includes outbuildings and recreation facilities for the exclusive use of that family.
Erect	Includes: <ul style="list-style-type: none"> <li>(a) erect or commence or continue to erect;</li> <li>(b) do, or commence or continue to do, any work in the course of or for the purpose of erecting; or</li> <li>(c) perform any structural work or make any alteration, addition or rebuilding; or</li> <li>(d) move from one position on a site to another position on the same site; or</li> <li>(e) re-erect with or without alteration on or partly on the same site; or</li> <li>(f) where a building is located on more than one allotment or lot - <ul style="list-style-type: none"> <li>(1) move to another position on the same site;</li> <li>(2) re-erect with or without alteration on another position on the same site;</li> </ul> </li> </ul> <p>and erection is to be likewise construed.</p>
Family	Any one person maintaining a household, or two or more persons living together and maintaining a common household such that each person has access to all parts of the dwelling unit occupied by the household.
Gross floor area (GFA)	The sum of the areas (inclusive of all walls, columns and covered balconies) of all storeys of a building or buildings as measured at the perimeter of the building excluding any areas of the building used exclusively for car parking.
Gross Lettable Area (GLA)	The sum of the areas (exclusive of all walls and columns) of all storeys of a building used as a shopping centre, including major tenant areas and specialty shops, provided that the term does not include cinemas, common mall areas and other public areas, car parking and loading dock areas, plant rooms, equipment rooms and public amenities such as toilets and change rooms.

Heavy vehicle

Means any of the following:

- (a) any motor vehicle or trailer designed or adapted for the carriage of goods with a carrying capacity in excess of two tonnes;
- (b) any motor vehicle equipped with a lifting or loading device capable of being used for the towing of a motor vehicle, and so used or intended to be so used;
- (c) any articulated vehicle;
- (d) any prime mover, being a motor vehicle especially designed for hauling a trailer with a carrying capacity greater than two tonnes;
- (e) any motor vehicle or trailer designed or adapted for earthmoving or road making, including vehicles designed or adapted for excavating materials, the term includes rollers, compressors and other equipment designed or adapted to be drawn behind a vehicle;
- (f) any motor vehicle or trailer designed or adapted for agricultural purposes, including the clearing of land. The term includes ploughs and other equipment designed or adapted to be drawn behind a vehicle;
- (g) any vessel whose length exceeds 9 metres;
- (h) any crane;
- (i) any omnibus (having a seating capacity in excess of 20 people); and
- (j) any tracked vehicle or other tracked machine; whether or not the vehicle, vessel or equipment is in operating condition and complete.

Industry

Includes:

- (a) any of the following operations -
  - (1) any manufacturing process whether or not the process results in the production of a finished article;
  - (2) the breaking up or dismantling of goods or any articles for trade, sale or gain, or ancillary to any business;
  - (3) the extraction of sand, gravel, clay, turf, soil, rock, ore, stone, or similar substances from land including any treatment or processing of such substances;
  - (4) altering, repairing, servicing, ornamenting, finishing, cleaning, washing, freezing, canning, or adapting for sale of articles including vehicles, machinery, buildings or other structures;
  - (5) any operation connected with the installation of equipment and services and the extermination of pests but not including on-site work on buildings or other structures or land;
  - (6) the dismantling of motor vehicles, whether the dismantling is carried out by one operation or by a series of operations; and

- (7) the carrying on of scientific research when carried on in the courses of a trade or business;
- (b) When conducted on land upon which any of the above operations are carried on -
  - (1) the storage of articles used in connection with or resulting from any of the above operations;
  - (2) the provision of amenities for persons engaged in such operations;
  - (3) the sale or display of goods, resulting from such operations; and any work of administration or accounting in connection with such operations provided that the use does not exceed twenty percent of the total use area of any building or buildings so used;
- (c) Without limiting the generality of the foregoing, any industry or class of industry particularly defined in this DCP, but does not include a home occupation.

#### Landscaping

The treatment of land for the purpose of enhancing or protecting the amenity of a site and the locality in which it is situated. Works may include any of the following:

- (a) screening by fences, walls or other structures;
- (b) planting of trees, hedges, shrubs or grass;
- (c) formation of banks, terraces or other earthworks;
- (d) laying out of gardens, courts or footways;
- (e) construction of boardwalks;
- (f) pathways and bikeways;
- (g) irrigation and lighting; and
- (h) other amenity features.

#### Land use and structural elements

Elements designated on the structure plan depicting indicative land use categories and physical infrastructure.

#### Local government purposes

Premises used in the course of carrying out any function of Local Government.

#### Local law

A local law of the Council in force for the time being.

#### Lot

Means a separate, distinct parcel of land created on registration of a plan of subdivision or the recording in the land registry of an instrument as that term is defined in the *Land Titles Act 1994*.

#### Management lot

A lot on a plan of subdivision not intended for final development or sale for final development and identified as such by the principal developer when lodging a sector plan or a plan of subdivision for approval with the Council. The term includes but is not limited to a lot:

- (a) intended for future road reserve;
- (b) for later transfer to the Crown or the Council;

	<p>(c) shown on a plan of a type accepted by the Registrar of Titles for registration for lease purposes only;</p> <p>(d) to define a balance area; and</p> <p>(e) intended for further subdivision (other than a Community Titles Scheme).</p>
Owner	Mango Hill Development Pty Ltd (ACN 068 244 762) or its successors in title.
Planning scheme	The town planning scheme for the Shire of Pine Rivers.
Plot ratio	The ratio between the gross floor area of a building and the total area of the site on which the development is, or is proposed to be carried out.
Precinct plan	A plan prepared in accordance with Section 2 of this DCP.
Premises	Any site, building or structure or part of the site, building or structure.
Principal developer	A reference in this DCP to the principal developer is a reference to the owner so far as the reference is about the preparation and gazettal of this DCP. Insofar as the reference is about development after the appointed day, the principal developer means the developer or developers nominated by the owner presently being Lend Lease Development Projects (Mango Hill) Pty Ltd and Lensworth Pine Rivers Pty Ltd. Rights granted to the principal developer are in favour of the owner and the nominated developers. A reference to the principal developer includes a reference to the successors and assigns of the parties referred to in this paragraph.
Sale	The term includes display, hire, exchange or offer to sell.
Sector plan	A plan prepared in accordance with Section 2 of this DCP.
Shire	The Shire of Pine Rivers as constituted at the appointed day.
Site	Any land which is used as premises and which comprises the whole or part of one or more contiguous lots.
Site coverage	That portion of a site covered by a building, fixed structure, or outdoor storage area, but not including unroofed parking areas.
Storey	That space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above.
Strategic plan	The strategic plan in the planning scheme.
Structure	Any wall, fence or unroofed building or anything affixed to or projecting from any wall, fence or unroofed building. The term includes any part of a structure.
Structure plan	DCP Map No. 3
Total use area	<p>The sum of the areas (exclusive of all walls and columns) of all storeys of a building which is used or intended for use for a particular purpose plus any other area of a site which is also used or intended for use for the same purpose, provided that the term does not include:</p> <p>(a) the areas (inclusive of all walls and columns) of any liftwells, lift motor rooms, air conditioning, and associated mechanical or electrical plant and equipment rooms;</p> <p>(b) the areas of any staircase;</p>

- (c) the areas of any common foyer where not being used for commercial or retail purposes;
- (d) the area of any public toilets;
- (e) the areas of any staff toilets, washrooms, recreation areas and lunchrooms provided that these areas are not open to persons other than staff; and
- (f) the area used for the access, parking and associating manoeuvring of motor vehicles.

**Transportable home** A building that complies in all respects with the Building Act 1975 for a Class I or Class III building, factory assembled or built in components and assembled on site, capable of being transported readily by trailer or other vehicle, for which building approval has been granted on an approved site. Buildings may be fitted with wheels at the point of manufacture but not for the purpose of road transport. The wheels may be retained on the building after location on site.

**Use** The term includes:

- (a) in relation to land, the carrying out of excavation work in or under land and the placing on land of any material or thing that is not a building or structure; and
- (b) any use which is ancillary to the lawful use of the premises in question; and
- (c) an intended use of premises.

**Zones** The divisions respectively into which the planning scheme area is divided by the planning scheme for its purposes.

**Zoning maps** The planning scheme maps designating the division of the planning scheme area into zones.

### 13.4.3 Purpose Definitions

Accommodation units	Any premises used as a boarding house, guest house, hostel, unlicensed hotel, unlicensed residential club, serviced apartment, serviced room and any other form of residential accommodation not being dwelling units. This term does not include a hotel, motel or community dwelling.
Adult product shop	<p>Any premises used for the sale or distribution of any article, device, publication, film, audiotape, videotape or any other information storage system which is concerned with or intended to be used in connection with sexual behaviour and which in the opinion of Council, is objectionable.</p> <p>The term does not include premises where the sale of those goods is ancillary to a lawful use.</p>
Agriculture	Any premises used for the commercial growing, harvesting and storage of crops, pastures, flowers, fruit, vegetables, plants or trees other than in association with a detached house.
Air strip	<p>Any premises used for the arrival or departure of aircraft. The term includes any facilities provided on the site for:</p> <ul style="list-style-type: none"> <li>(a) the housing, servicing, maintenance, or repair of aircraft; or</li> <li>(b) the assembly of passengers or goods prior or subsequent to their transportation by air.</li> </ul> <p>The term does not include a helicopter landing site or public utilities.</p>
Amusement premises	Any premises which contain six or more amusement machines for the enjoyment of the public, other than on premises used for hotel, indoor recreation, or outdoor recreation.
Animal husbandry	Any premises used for the breeding, care, feeding, keeping, or pasturing of any animal for business or commercial purposes. The term includes the keeping of bees, but does not include a cattery, dairy, kennels, lot feeding, piggery or poultry farm.
Apartments	<p>Premises consisting of more than two dwelling units for use by separate families whether or not the use is combined with other uses on the site. The term includes, where carried out on the same site, the conduct of a trade, business or profession, not being a home occupation, which:</p> <ul style="list-style-type: none"> <li>(a) only employs persons resident on the site;</li> <li>(b) does not involve display of articles likely to be seen from beyond the site;</li> <li>(c) has only one sign no greater than 0.3m<sup>2</sup>;</li> <li>(d) the gross floor area so used does not exceed 30m<sup>2</sup>;</li> <li>(e) does not involve the parking or storage on or in the vicinity of the site of any heavy vehicle or more than one vehicle which is not a heavy vehicle; and</li> <li>(f) does not, in the opinion of the Council, detrimentally affect the amenity of the locality due to factors including but not limited to noise, dust, vibration, lighting, fumes, odours, appearance, traffic generation and/or hours of operation.</li> </ul> <p>The term does not include townhouse units or duplex dwellings.</p>

Aquaculture	Any premises used for the breeding or keeping of any fish or crustacean whether in salt or fresh water business or commercial purposes. The term does not include a shop.
Associated unit	Any premises integrated with a detached house and which: <ul style="list-style-type: none"> <li>(a) are used or intended for use as a dwelling unit; and</li> <li>(b) do not exceed 60m<sup>2</sup> in gross floor area.</li> </ul>
Bulk garden supplies	Any premises used for the sale or distribution of sand, soil, screenings, garden and landscaping materials where material is received on the site in quantities greater than one cubic metre. The term does not include a retail nursery, a hardware centre, or an extractive industry.
Bulky Goods Centre	A collection of retail showrooms selling predominantly household goods from one purpose built location with integrated shared parking and access arrangements and a gross leasable area of 10,000m <sup>2</sup> or greater.
Camping grounds	Any premises used for temporary accommodation primarily in tents. The term includes the land together with any amenity building which is used in conjunction with the land. The term does not include a caravan park.
Car park	Any premises used for the temporary parking of motor vehicles where the parking is not ancillary to a purpose elsewhere defined in this DCP. The term does not include heavy vehicle parking or a vehicle hire depot.
Car wash	Any premises used for the mechanical washing of motor vehicles.
Caravan park	Any premises used to park caravans for the purpose of providing accommodation for the public. The term includes the erection and use within the caravan park of a kiosk and/or amenity buildings for the exclusive use of occupants of the caravan park. The term also includes the erection of cabins and the pitching of tents to provide overnight and short term holiday accommodation within the caravan park. The maximum number of cabins will be determined by Council. The term does not include a motel or a transportable home village.
Caretaker's residence	Any dwelling unit used for accommodation of a caretaker and family in connection with an industry or other non-residential use.
Casino	Any premises used for the purpose of gambling and where the use is conducted in accordance with the provisions of any Act concerning casino premises. The term does not include an indoor recreation, licenced club or hotel.
Catering premises	Any premises with seating for less than 40 people used for the preparation of meals for sale to the public whether or not other refreshments are also sold. The term does not include an indoor recreation, licenced club or hotel.
Cattery	Any premises used for the boarding, breeding or keeping of more than three (3) cats.
Cemetery	Any premises used for the interment of the deceased. The term includes a graveyard, a burial ground, columbarium, funeral chapel or parlour erected on the land and used in connection with it. The term does not include a crematorium.
Child care centre	Any premises used for the minding or care, but not accommodation, of children for fee or reward. The term includes a kindergarten, day care centre or creche. The term does not include a family day care centre, an educational establishment, or a

special use, or the care of a child where a parent of the child is engaged in an activity on the site.

Commercial services      Any premises used for any of the purposes included in but not limited to Table 13.1, being a process carried on in the course of a trade or business, where not a home occupation.

The term includes the sale of any articles resulting from the use.



Barber shop  
 Computer services  
 Costume hire  
 Document copying  
 Domestic appliance hire  
 Dressmaking  
 Dry cleaning or dyeing  
 Engraving  
 Hairdressing  
 Laundering including a coin-operated laundry  
 The making of -  
     Bread, cakes, and/or pastry  
     Clothing  
     Confectionery  
     Curtains  
     Dental goods  
     Jewellery  
     Keys  
     Leather goods  
     Medical and therapeutic equipment (not involving poisons or hazardous materials)  
     Millinery  
     Novelty goods  
     Optical goods  
     Trophies, Pennants, Badges and the like  
     Vinyl goods  
 Photographic film developing and printing  
 Plan printing  
 Printing  
 The repair or servicing of -  
     Cameras  
     Clocks and watches  
     Clothing  
     Computer equipment  
     Electrical goods  
     Footwear  
     Furniture  
     Jewellery  
     Locks  
     Musical instruments  
     Office machines  
     Pedal cycles  
     Precision or scientific instruments  
     Sewing machines  
     Sporting goods  
     Toys  
 Sale of second-hand goods  
 The small-scale specialist wholesaling of  
     -Foods and drinks  
     -Carpet and floor coverings  
     -Paper products  
     -Textiles and clothing  
     -Health products  
 Screen printing  
 Tailoring  
 Upholstering furniture.

Communication station	Any premises used for the transmission of signals unless the transmission is ancillary to some other use of the premises. The term does not include public utilities.
Community dwelling	Any residential premises used by a group of persons not being a family, but maintaining a household by a common discipline where one or more members of the group retains the power and dominion over the whole of the premises occupied by the group.
Community premises	<p>Any premises used for any of the following purposes:</p> <ul style="list-style-type: none"> <li>(a) the delivery of community and welfare services whether or not those services are a function of a government program;</li> <li>(b) the holding of meetings by social or other groups;</li> <li>(c) community-based cultural or recreational activities;</li> <li>(d) libraries, but not entertainment libraries; or</li> <li>(e) any other community-based activity.</li> </ul> <p>The term does not include educational establishment, indoor recreation or outdoor recreation.</p>
Concrete batching plant	Any premises used for mixing concrete for use elsewhere. The term does not include the manufacture, storage and sale of precast concrete products on the site nor the storage and sale of sand and gravel not required for the purpose.
Contractor's depot	Any premises used for the purpose of storage of goods, including vehicles and equipment, pending their use elsewhere as part of a trade or contracting business included in but not limited to Table 13.2. The term includes the servicing of the equipment or vehicles, and the carrying out of preparation work incidental to the conduct of business. The term does not include a home occupation, local utilities, or office.

Table 13.2

Concreting
Domestic cleaning service
Drainage work and sewerage
Earthmoving
Electrical work
Fencing
Furniture removal
Gardening
House-building or installation of fittings
House removals
Installation and maintenance of air conditioning
Landscaping
Lawnmowing
Laying of bricks, tiles, paving or carpets
Milk delivery
Office cleaning services
Painting
Paperhanging
Pest control
Plastering
Plumbing
Road building
Rubbish removal
Swimming pool construction
Tree lopping and felling.

Convention centre	<p>Premises used in a co-ordinational and integrated manner as a place for:</p> <ul style="list-style-type: none"><li>(a) the assembly of people with a common object;</li><li>(b) trade fairs, exhibitions and concerts whether or not they include some form of entertainment; or</li><li>(c) including but not limited to:<ul style="list-style-type: none"><li>- conferences;</li><li>- dances;</li><li>- functions;</li><li>- receptions;</li></ul></li></ul> <p>together with ancillary facilities as may be required from time to time for the health, comfort and enjoyment of patrons. The term includes premises licensed under the <i>Liquor Act 1992</i> when conducted in conjunction with the use. The term does not include a place of worship.</p>
Correctional institution	<p>Any premises used for the reform, incarceration or training of persons committed by a court.</p>
Crematorium	<p>Any premises used for the reduction of the human body to ashes after death together with any columbarium, funeral chapel, or funeral parlour erected on the land and used in connection with it. The term does not include a cemetery.</p>

Cultural facility	Any premises used for the purpose of a museum, theatre, concert hall or art gallery. The term does not include a special use.
Dairy	Any premises used primarily for milking animals.
Detached house	<p>Any premises consisting of one dwelling on a single allotment used for the accommodation of a single family. The term includes where carried out on the same site:</p> <ul style="list-style-type: none"> <li>(a) the keeping of animals for the enjoyment of the occupants other than as defined in this DCP;</li> <li>(b) the growing of crops, fruit, vegetables or other plants for sale, domestic use or enjoyment where: <ul style="list-style-type: none"> <li>(1) the area of land so used does not exceed 200m<sup>2</sup>;</li> <li>(2) the gross floor area of any associated building or structure does not exceed 50m<sup>2</sup>;</li> <li>(3) has only one sign no greater than 0.3m<sup>2</sup>;</li> <li>(4) no produce is publicly displayed;</li> <li>(5) only employs persons resident on the site;</li> <li>(6) the carrying out of the activity does not involve powered machinery or otherwise prejudice the amenity of the locality.</li> </ul> </li> <li>(c) the conduct of a trade, business or profession, not being a home occupation, which: <ul style="list-style-type: none"> <li>(1) only employs persons resident on the site;</li> <li>(2) does not involve display of articles likely to be seen from beyond the site;</li> <li>(3) has only one sign no greater than 0.3m<sup>2</sup>;</li> <li>(4) the gross floor area so used does not exceed 30m<sup>2</sup>;</li> <li>(5) does not involve the parking or storage on or in the vicinity of the site of any heavy vehicle or more than one vehicle which is not a heavy vehicle;</li> <li>(6) does not in the opinion of the Council detrimentally affect the amenity of the locality due to factors including but not limited to noise, dust, vibration, lighting, fumes, odours, appearance, traffic generation and/or hours of operation.</li> </ul> </li> </ul>
Display home	Any premises used to display a type of dwelling unit or accommodation unit to the public to show the type of construction or design offered by the builder. The term includes ancillary car parking and the making of a sale arising from an inspection. The term does not include an estate sales office, a sales and information centre or office.

Domestic storage and recreation structures	<p>Any premises having an aggregate floor area greater than 9m<sup>2</sup> used for non-habitable purposes either in association with, but not forming part of a detached house or for the maintenance of vacant land.</p> <p>The term does not include shade houses, gazebos, pergolas and patios.</p>
Duplex dwelling	<p>Any premises consisting of two dwelling units within one building used for accommodation by families. The term includes where carried out on the same site:</p> <ul style="list-style-type: none"> <li>(a) the keeping of animals for the enjoyment of the occupants other than as defined in this DCP;</li> <li>(b) the growing of crops, fruit, vegetables or other plants for sale, domestic use or enjoyment where: <ul style="list-style-type: none"> <li>(1) the area of land so used does not exceed 200m<sup>2</sup>;</li> <li>(2) the gross floor area of any associated building or structure does not exceed 50m<sup>2</sup>;</li> <li>(3) has only one sign no greater than 0.3m<sup>2</sup>;</li> <li>(4) no produce is publicly displayed;</li> <li>(5) only employs persons resident on the site;</li> <li>(6) the carrying out of the activity does not involve powered machinery or otherwise prejudice the amenity of the locality.</li> </ul> </li> <li>(c) the conduct of a trade, business or profession, not being a home occupation, which: <ul style="list-style-type: none"> <li>(1) only employs persons resident on the site;</li> <li>(2) does not involve display of articles likely to be seen from beyond the site;</li> <li>(3) has only one sign no greater than 0.3 m<sup>2</sup></li> <li>(4) the gross floor area so used does not exceed thirty (30) square metres;</li> <li>(5) does not involve the parking or storage on or in the vicinity of the site of any heavy vehicle or more than one vehicle which is not a heavy vehicle;</li> <li>(6) does not in the opinion of the Council detrimentally affect the amenity of the locality due to factors including but not limited to noise, dust, vibration, lighting, fumes, odours, appearance, traffic generation and/or hours of operation.</li> </ul> </li> </ul>
Educational	<p>Any premises used for the purpose of a school, college, university, technical institute, academy, pre school or educational centre. The term includes the residential accommodation of staff and students and the provision of recreational and other support facilities. The term does not include a child care centre or institution.</p>

Entertainment library	Any premises used for the display, storage and hire of video and electronic entertainment materials and equipment. The term includes the occasional and ancillary sale of second-hand materials and equipment used previously on the premises, and the ancillary sale of confectionery and other light refreshments.
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Estate sales office	Any premises including a caravan, erected on land subdivided and released as one estate and used or intended for use for the purpose of promoting and selling that and only. The term does not include a display home, or an office as herein defined.
Extractive industry	Any premises used for extraction of sand, gravel, soil, rock, stone or similar substances from land. The term includes ancillary storage, loading or cartage, and any crushing, screening, washing or other treatment processes, or manufacture of products from the material extracted. The term does not include a mine as defined in " <i>The Mineral Resources Act 1989</i> " turf farm or bulk earth works associated with approved development of land.
Family day care centre	Premises used for the home-based daily reception, minding or care of children in a detached house or dwelling unit in a duplex dwelling registered under the provisions of a relevant government programme. The term does not include a "child care centre", "community dwelling" or "institution".
Fuel depot	Premises used for the bulk storage of petroleum products or other flammable fuels for wholesale distribution. The term does not include hazardous industry or a service station.
Funeral parlour	Any premises used by an undertaker for the storage or preparation of bodies for burial or cremation. The term includes a mortuary and a funeral chapel.
General industry	Any premises used for industry not otherwise defined in this DCP.
Hardware centre	<p>Premises exceeding 300m<sup>2</sup> total use area, used for the sale of domestic:</p> <ul style="list-style-type: none"> <li>(a) hardware;</li> <li>(b) gardening equipment and materials;</li> <li>(c) electrical and plumbing fittings and materials;</li> <li>(d) light building materials; and</li> <li>(e) small machinery and appliances.</li> </ul> <p>The term does not include a retail showroom.</p>
Hazardous industry	<p>Any premises used for the conduct of any noxious, hazardous or offensive industry or storage activity which:</p> <ul style="list-style-type: none"> <li>(a) is noxious or offensive because of the gaseous, liquid or solid discharges or wastes produced by the manufacturing or processing of materials, or because of the nature of the materials handled;</li> <li>(b) is dangerous because of the nature of the materials manufactured, processed or stored;</li> <li>(c) is hazardous because the materials manufactured, processed or stored require a licence pursuant to the Flammable and Combustible Liquids Regulations when not conducted in conjunction with any other use;</li> <li>(d) involves handling, treatment, storage or disposal of radio-active material; or</li> <li>(e) has the potential for adverse environmental impacts on or unacceptable hazards or risks to other properties.</li> </ul>
Heavy vehicle parking	Any premises used for the storage or parking of heavy vehicles in association with a detached house.

Heavy vehicle sales	<p>Any premises used for the sale of heavy vehicles, and where conducted in conjunction with the use it includes:</p> <ul style="list-style-type: none"> <li>(a) the sale of tools, spare parts, and accessories; and</li> <li>(b) servicing, cleaning, customising, panel beating and spray painting.</li> </ul>
Helicopter landing site	Any premises used as an aerodrome for the landing and taking off of helicopters.
Home occupation	<p>The use of a detached house or dwelling unit for any business, profession or trade by one or more persons residing permanently in the detached house provided:</p> <ul style="list-style-type: none"> <li>(a) the area used for the purposes does not exceed one-third of the gross floor area of the detached house;</li> <li>(b) merchandise is not displayed;</li> <li>(c) has only one sign no greater than 0.3m<sup>2</sup>;</li> <li>(d) the amenity of the locality is not diminished as a consequence of the use;</li> <li>(e) traffic flows generated by the use are not excessive in the street; and</li> <li>(f) not more than one employee not residing on the premises is engaged in the use, unless otherwise provided for on an approved sector plan.</li> </ul> <p>The term includes:</p> <ul style="list-style-type: none"> <li>(a) one tennis court available for hire whether or not floodlit; and</li> <li>(b) the giving of lessons in swimming or a sporting activity.</li> </ul>
Hospital	Any premises used for the care, treatment, surgery and accommodation of the sick, injured and infirm. The term includes accommodation for staff, a home for infirm, incurable or convalescent persons, a nursing home, a sanatorium, or a dispensary and includes buildings and other structures associated with those uses, but does not include an institution.
Host farm	Any residential premises used as short-term tourist accommodation in conjunction with animal husbandry, agriculture or dairy purposes. The term does not include accommodation units, apartments, community dwelling, hotel, motel or townhouses.
Hotel	Any premises licensed under the <i>Liquor Act 1992</i> whether or not accommodation is provided and includes drive through sales, bulk liquor sales up to 1,000m <sup>2</sup> floor area, dining, entertainment and gambling facilities. The term includes associated facilities and structures not the subject of the licence. The term does not include a shop selling liquor.
Indoor recreation	Any premises used primarily for live, recorded, sports-based, static or technology-based entertainment purposes where such entertainment is provided principally indoors. The term includes activities such as auditoria, gymnasias, indoor sports halls, interactive and technology-based entertainment, theatres, cinemas, unlicensed clubs and the like, and the sale of associated merchandise and light refreshments. The term does not include amusement premises.
Institution	Any premises not elsewhere defined used for the care of people with disabilities or who are poor or disadvantaged. The term does not include a hospital, or a retirement village.



Junk yard	Any premises used for the collection, storage, dismantling, salvaging, or sale of goods or materials which are scrap or have been discarded or abandoned. The term does not include a recycling depot.
Kennels	Any premises used for the keeping, boarding, breeding or training of more than two (2) dogs.
Licensed club	Any premises used for a purpose specified in a club licence of one of the prescribed types under the <i>Liquor Act</i> 1992. The term includes the ancillary provision of music and band facilities or gambling machines, reception facilities and the preparation, supply and consumption of food to persons attending the licensed club. The term does not include the residential use of the premises or a hotel.
Local utilities	<p>Any premises used in the course of a public utility undertaking for the supply of water or electricity, or the provision of telephone, sewerage or drainage services where these activities do not involve:</p> <ul style="list-style-type: none"> <li>(a) the use of electricity power lines, transformers or switching stations operating at or in excess of 60 000 volts; or</li> <li>(b) the use of any building or other structure having a gross floor area greater than 50m<sup>2</sup> or a height greater than five metres.</li> </ul>
Lot feeding	Any premises used for feeding stock in stalls, compounds or stock yards, as distinct from range feeding. The term does not include a piggery.
Mini brewery	Any premises used for brewing and selling alcoholic liquor where the total use area of the brewing facilities does not exceed 200m <sup>2</sup> or where the volume of alcoholic liquor produced does not exceed 300,000 litres per day.
Motel	Any premises used for overnight accommodation of travellers and the vehicles used by them. The term includes the provision of meals and ancillary entertainment principally for the enjoyment of guests accommodated in the premises.
Motor sport or shooting	Any premises used for driving or racing motor vehicles including models or discharging firearms.
Occasional market	Any premises used for the sale of goods, light refreshments, prepared food, and produce from temporary stalls on weekends and public holidays unless otherwise approved by Council. The term also includes the ancillary provision of entertainment whether indoors or not, for the enjoyment of patrons of the market.
Office	<p>Any premises used for the provision of professional services, or advice, for the carrying on of administrative work whether or not in the course of a business.</p> <p>Without limiting the generality of the foregoing, the term includes any of the following:</p> <ul style="list-style-type: none"> <li>(a) the consulting rooms of any professional person including medical practitioners, dentists, and paramedical practitioners,</li> <li>(b) a local surgery and an incidental dispensary;</li> <li>(c) a photographic studio, an artist's studio, but not a dance studio;</li> <li>(d) a bank or other financial institution;</li> <li>(e) a betting shop;</li> <li>(f) a post office;</li> </ul>

- (g) a real estate agent's office;
- (h) administrative functions of Commonwealth, State, Local or semi Government Departments, statutory authorities or Government owned corporations.

The term includes ancillary storage of articles where:

- (a) except for vehicles other than heavy vehicles, all the articles are stored fully enclosed within a building;
- (b) the total area used for storage of heavy vehicles, and storage of articles other than vehicles, is less than one-third of the gross floor area; and
- (c) the total number of vehicles stored on the site does not exceed three per 100 square metres of gross floor area.

The term does not include use for administrative purposes of premises which use is ancillary to another use of that site, a veterinary clinic, veterinary hospital, or home occupation.

**Outdoor recreation** Any premises used primarily for viewing or participating in entertainment, structured recreation, or sports principally conducted outdoors, together with any buildings, grandstands and other structures necessary for the comfort, enjoyment and health of patrons and participants. The term includes a riding school and the sale of associated merchandise and light refreshments. The term does not include convention centre, indoor recreation, motor sport or shooting ,or simulated conflict.

**Outdoor sales** Any premises used for the purpose of sale of goods wholly or partly outdoors not otherwise defined in this DCP.

**Park** Any premises not elsewhere defined in this DCP to which the public has rights of access, which:

- (a) has been ornamentally laid out or prepared;
- (b) is maintained so as to preserve or enhance its natural qualities, including the quality of its flora, fauna and geological or physiographical features;
- (c) has been prepared or is maintained as a grassed area either with or without trees or shrubbery; or
- (d) has been prepared or is maintained other than according to (a) or (c), but in such a way as to be in the opinion of the Council suitable for informal open-air recreation;

and which is used for open-air recreation.

The term includes any of the following facilities, provided for the enjoyment or convenience of the public at those premises:-

- (a) kiosks for the supply of light refreshments to patrons of the premises;
- (b) band stands;
- (c) outdoor amphitheatre;
- (d) picnic places, places for enjoying views, routes for nature study, car parking areas, cycleways, footways and bridle paths;
- (e) information and display areas for the promotion of such land;

- (f) shelters and other public conveniences;
- (g) children's play areas;
- (h) structures, surfaces, or equipment for informal sport or physical exercise;
- (i) sculptures, fountains, ponds, waterbodies, or other decorative devices;

and also includes the occasional use of the premises for fairs, exhibitions and similar activities where that use is approved by Council.

In this definition, the term "open air recreation" includes, among other things, the organised sporting activities of an educational establishment and any form of athletics where the activity is not organised or controlled by any club or organisation, nor as a business undertaking, nor for fee or reward.

Passenger terminal	Any premises used for the assembly and dispersal of passengers prior to or subsequent to their transportation irrespective of the mode of transport.
Piggery	Any premises used for the keeping, depasturing, feeding, watering or breeding of pigs.
Place of worship	Any premises used primarily for the public religious activity of a religious organisation, community or association. The term includes the ancillary use of part of the premises for a columbarium. The term does not include an educational establishment or institution.
Poultry farm	Any premises used for the keeping of poultry where the number of birds kept exceeds six (6).
Public utilities	Any premises used for major facilities relating to the provision of services such as water supply, electricity, gas, telephone, sewerage, drainage, waste and refuse disposal or transmission of signals. The term does not include local utilities or communication station.
Re-cycling depot	<p>Any premises used for the purpose of storage pending collection for re-cycling of any of the following:-</p> <ul style="list-style-type: none"> <li>(a) articles made of glass, including bottles;</li> <li>(b) articles made of metal;</li> <li>(c) articles made of synthetic material;</li> <li>(d) rags and clothes;</li> <li>(e) paper and cardboard;</li> </ul> <p>where the total area used for those purposes, not including areas reserved for parking, loading and unloading, is less than 25 square metres.</p>
Restaurant	Any premises with seating for more than 40 people used for the preparation of meals for sale to the public whether or not other refreshments are also sold. The term does not include indoor recreation or hotel.
Retail nursery	Any premises used for the sale of plants. The term includes where carried out on the same site:

- (a) the propagation of plants for sale, from the premises or elsewhere; and/or
- (b) the sale of landscaping and gardening supplies, provided the area so used does not exceed the total area used for the propagation of plants for sale;

where the area used for the display or storage of articles for sale is not fully enclosed within a building.

**Retail showroom** Any premises in excess of 300m<sup>2</sup> total use area used for the display and sale of large or bulky goods, large stocks of similar goods or related goods excluding food and groceries except fruit and vegetables .

The term does not include entertainment library, shop or shopping centre.

**Retirement village** Any premises used as permanent residential accommodation for persons aged fifty years or over and which consists of a grouping of self-contained dwelling units and/or serviced hostel units and/or nursing home accommodation together with ancillary facilities provided for use by residents or staff of the community and which may include staff accommodation, chapel, medical consulting rooms, meeting rooms, recreational facilities, therapy rooms, and kiosk facilities.

**Rural industry** Any premises used for the purpose of:

- (a) a blacksmith;
- (b) boring contractors;
- (c) fencing contractors; or
- (d) light engineering fabrication for farming needs;

and which is in the opinion of the Council consistent with rural pursuits.

**Sales and information centre** Any premises used by the principal developer for the purpose of planning, constructing, managing, displaying of information about and marketing the DCP area. The term includes the use of part of the premises for a shop and community use purposes.

**Service industry** Any premises used to conduct an industry included in but not limited to:

- (a) Table 13.1, which does not conform with the provisions of the definition of commercial services;
- (b) Table 13.3 where:-
  - (1) the use of the premises does not detrimentally affect the existing or prospective amenity of the area; and
  - (2) the activity is carried out in the course of a trade or business.

**Table 13.3**

Cabinet making or shopfitting
Cutting and finishing glass
Engraving, not being commercial services as defined herein
Fibre-glass repairs
French polishing
Outdoor Storage of -
Building supplies, hardware, fence posts, fence palings, plumbing supplies, sawn timber, new (unused) tyres, boats, caravans, trailers and other goods which Council may approve from time to time, and where the storage area exceeds 50m <sup>2</sup> in area.
Picture framing
Repairing, servicing or modifying -
Boats
Furniture
Gas appliances
Motor mowers
Motor vehicles
Outboard motors
Trailers
Saw sharpening
Sign writing
Self storage facility.

The term does not include bulk garden supplies, car depot, car park, hardware centre, heavy vehicle parking, heavy vehicle sales, home occupation, service station or vehicle sales yard.

Service station

Premises used for the fuelling of motor vehicles involving the sale by retail of petrol or automotive distillate or any other fuel capable of use in internal combustion engines whether or not the premises are also used for one or more of the following purposes:-

- (a) The sale by retail of
  - lubricating oils and greases;
  - batteries and tyres;
  - accessories and other products associated with motor vehicles;
  - power and lighting kerosene;
  - mower fuel; and
  - goods for the comfort and convenience of travellers by motor vehicle including food and beverages;
- (b) The carrying out of -
  - the fitting, removal, and exchange of tyres;
  - the repairing of tubes;
  - the supply of air;

- the charging or replacement of batteries;
- the lubrication and greasing of motor vehicles;
- the cleaning, adjustment and replacement of spark plugs;
- the adjustment, cleaning or replacement of filters or carburettors or fuel injection systems;
- the reception and return of tyres deposited for repair on other premises;
- running repairs of a minor nature and of a type which do not normally immobilise a vehicle for a period longer than four hours;
- the hiring of trailers not exceeding one tonne capacity. The number of trailers for hire on site must be limited to five (5); and
- the hiring of motor vehicles. The number of vehicles for hire on site must be limited to three (3).

(c) The rendering of minor services incidental to any of the above.

The term does not include an industry, or a shop.

Shop

Any separate area of occupation, not elsewhere defined in this DCP used for the sale of articles, including food, by retail.

Shopping centre

Any premises which -

- (a) function as an integrated unit;
- (b) are used principally for retailing;
- (c) contain one or more buildings-
  - (1) having a total floor area of not less than 300m<sup>2</sup> GLA;
  - (2) erected-
    - (i) at the one time as one complete entity or in stages where each succeeding stage forms one complete entity with any earlier stage or stages; and
    - (ii) to a coordinated layout; and
  - (3) comprising separate areas of occupation-
    - (i) which may be used for purposes such as:
      - shop;
      - office;
      - commercial services;
      - indoor recreation;
      - restaurant;
      - catering premises;
      - amusement premises;

- entertainment library;
- community premises and
- (ii) where a majority of those separate areas of occupation are used for shop purposes; and

- (d) contain at least one shop of the kind normally described as a supermarket (with a minimum floor area of 1000m<sup>2</sup>), discount department store or a department store, or a similar major anchor tenant.

The term does not include retail nursery or retail showroom.

#### Showground

Any premises used for the exhibition of primary produce, trade and manufactured merchandise on an annual basis. The term includes forms of entertainment and amusement during the time of the exhibition.

The term does not include outdoor recreation, indoor recreation, motor sport or shooting, or a place of worship.

#### Simulated conflict

Any activity, whether for fee or reward or otherwise, conducted outdoors which is based on simulated warfare or criminal action, armed combat, or similar or related activities in which a mechanical or electronic device is used to register contact with an person by means of a paint pellet or electronic or light sensitive beam or other remote energy source.

The term does not include the sport of fencing, indoor recreation or amusement premises.

#### Special use

Any premises used for Commonwealth, State, Local Government, semi-government, statutory authority or Government owned corporation purposes, except for a child care centre, dwelling units, educational establishment, hospital, institution, local utilities, office, community premises or public utilities.

#### Stable

Any structure not elsewhere defined used for the stabling, boarding or breeding of animal/s; the terms includes a roofed or partly roofed yard, training track or veterinary facilities associated therewith. The term does not include animal husbandry, kennels, cattery, lot feeding, aquaculture, piggery, any structure for the keeping of birds, insects, fish or crustaceans, reptiles or bees or stables associated with a riding school.

#### Stock sales yard

Any premises used for the purpose of offering animals for sale.

#### Technology industry

Any premises used for any of the following:

- (a) the research and development of medical and scientific technologies;
- (b) the development of, and any support services related to, computer software and other technology-based services or equipment;
- (c) the manufacture, storage and distribution of goods and materials for communications, electronic and other technology-based or specialised components or parts;
- (d) the assembly, packaging, storage and distribution of technology-based equipment and machinery of a small and specialised nature;

provided that the use will not:

- (a) impose adverse environmental impacts on or present unacceptable hazards or risks to other properties;
- (b) cause the intense emission of noise, light, heat, gases, waste material or hazardous, noxious or offensive by-products of any kind;
- (c) involve the manufacture, processing, handling or storage of hazardous, noxious or offensive materials;
- (d) generate high traffic flows, or high flows of heavy vehicles, in the context of the locality or the road network;
- (e) cause an increased demand for services such as treated water, sewage and solid waste disposal, electricity, roads, stormwater drainage and the like.

The term does not include any other industry.

**Tourist facility**

Any premises used primarily for the purpose of providing recreation, entertainment or attractions for the general touring public. The term includes accommodation or eating facilities for tourists as an ancillary use.

**Townhouse units**

Any premises consisting of more than two (2) dwelling units for use by separate households where at least one habitable room in each dwelling unit and a private court yard directly accessible to each dwelling unit is situated at ground level. The term includes, where carried out on the same site, the conduct of a trade, business or profession, not being a home occupation, which:

- (a) only employs persons resident on the site;
- (b) does not involve display of articles likely to be seen from beyond the site;
- (c) has only one sign no greater than 0.3m<sup>2</sup>;
- (d) the gross floor area so used does not exceed 30m<sup>2</sup>;
- (e) does not involve the parking or storage on or in the vicinity of the site of any heavy vehicle or more than one vehicle which is not a heavy vehicle;
- (f) does not in the opinion of the Council detrimentally affect the amenity of the locality due to factors including but not limited to noise, dust, vibration, lighting, fumes, odours, appearance, traffic generation and/or hours of operation.

**Transportable home village**

Any premises used for the parking or location of two or more transportable homes for the purpose of providing residential accommodation. The term includes ancillary amenities buildings, a kiosk and recreational facilities for the use of patrons of the transportable home village. The term does not include a caravan park or motel.

**Transport terminal**

Any premises used for the purpose of an airline goods terminal, bus depot, road transport goods terminal, rail goods terminal, or a terminal for water-borne goods. The term does not include a passenger terminal, but includes a repository for temporary storage of goods before re-shipment, and includes a terminal used solely for the garaging and basic maintenance of fleet vehicles engaged in the transport of goods.

**Turf farming**

Any premises used for the growing, harvesting and removal of turf. The term includes ancillary buildings, structures and uses necessary for and usually



	incidental to the operation of a turf farm. The term does not include agriculture or retail nursery.
Vehicle hire depot	Any premises used for the hire, storage or parking of vehicles other than heavy vehicles. The term includes the servicing of those vehicles and any administrative work carried out in connection with the activity but does not include an office.
Vehicle sales yard	Any premises used for the sale of vehicles (other than heavy vehicles), or vessels less than nine metres in length and where conducted in conjunction with the use and includes the sale of tools, spare parts, and accessories, and cleaning, customising, panel beating and spray painting.
Veterinary clinic	Any premises used in which a veterinarian or veterinary surgeon treats the minor ailments of domestic animals and no animal remains on the premises after treatment overnight, except in emergencies.
Veterinary hospital	Any premises used for the treatment of sick or injured animals where those animals are accommodated overnight after treatment in premises. The term does not include animal husbandry or kennels.
Warehouse	Any premises used for the storage of goods in large quantities pending their sale, or distribution, to persons who purchase only for the purpose of resale or for use in the course of an industry. The term does not include a shop, hardware centre or retail showroom.



Department of the Environment, Tourism, Science and Innovation (DETSI)  
ABN 46 640 294 485  
GPO Box 2454, Brisbane QLD 4001, AUSTRALIA  
[www.detsi.qld.gov.au](http://www.detsi.qld.gov.au)

**SEARCH RESPONSE**  
**ENVIRONMENTAL MANAGEMENT REGISTER (EMR)**  
**CONTAMINATED LAND REGISTER (CLR)**

InfoTrack PTY LTD  
PO Box 10314, Adelaide Street  
Brisbane QLD 4001

Transaction ID: 51047698      EMR Site Id: 01 September 2025  
Cheque Number:  
Client Reference:

This response relates to a search request received for the site:  
Lot: 434      Plan: SP184367  
18 ELSEY CCT  
NORTH LAKES

**EMR RESULT**

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

**CLR RESULT**

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

**ADDITIONAL ADVICE**

All search responses include particulars of land listed in the EMR/CLR when the search was generated.  
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DETSI has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DETSI has not been notified

If you have any queries in relation to this search please email [emr.clr.registry@detsi.qld.gov.au](mailto:emr.clr.registry@detsi.qld.gov.au)

**Administering Authority**



**CERTIFICATE OF AFFECT**  
**QUEENSLAND HERITAGE REGISTER**

Client Reference: 25-0508 Sale MANIKUS

Certificate Number: CA025849

Result 1 of 1

InfoTrack PTY LTD  
PO Box 10314, Adelaide Street

QLD 4001

This is a certificate issued under section 33(1)(b) of the *Queensland Heritage Act 1992* (Heritage Act) as to whether a place is affected by: entry in the Queensland Heritage Register (QHR) as a Queensland heritage place, a current QHR application, or is excluded from entry in the QHR.

**RESULT**

This response certifies that the place identified as:

Place Ref: None  
Place Name: None  
Lot: 434 Plan: SP184367  
Located at:

is neither on the QHR nor the subject of a QHR application under the Heritage Act.

**ADDITIONAL ADVICE**

**Note: This certificate is valid at the date of issue only**

If you have any queries in relation to this search please contact the Heritage Branch on 13QGOV or [heritage@des.qld.gov.au](mailto:heritage@des.qld.gov.au).

*Issued on behalf of the Chief Executive,  
Department of Environment, Science and Innovation*

Date of issue: 01/09/2025  
Receipt No: 6632108



**LOTSEARCH**  
Spatial Intelligence | Mapping Risk

**LOTSEARCH REFERENCE**  
LS095832\_DC

**REPORT DATE**  
01 Sep 2025 09:20:04

**CLIENT ID**  
171780048

**COUNCIL**  
Moreton Bay City

## Seller Disclosure - Contamination Notices



This report provides a search of the public register to support the requirement under the **Property Law Regulation 2024**, of disclosing **contamination and environmental protection notices** under **Part 3 – Land use, planning and environment**, of the **QLD Seller Disclosure Statement**. This report contains records not included in the DETSI contaminated land search (EMR/CLR).

### 1. Notices Under Section 408(2) **No Records Identified**

Records of notices under section 408(2) of the Environmental Protection Act 1994.

A search of **Environmental Evaluations** and **Site Investigations** has been undertaken.

Notice No	Notice Type	Location	Date	Status	Documents
No records identified					

*Show Cause Notices, Notices of Decision under Section 394, and Orders under Section 458 are excluded from this search as they are not available on the public register. A separate search of the EMR/CLR will identify sites with Contaminated Land or Site Management Plans under Section 401.*

### 2. Notices Under Section 369C(2) **No Records Identified**

Records of notices under section 369C(2) of the Environmental Protection Act 1994 (the property is a place or business to which an **Environmental Enforcement Order (EEO)** applies). This includes **Environmental Protection Orders**, **Direction Notices**, and **Clean-Up Notices**.

Notice No	Notice Type	Location	Date	Status	Documents
No records identified					

### 3. Notices Under Section 347(2) **No Records Identified**

Records of notices under section 347(2) of the Environmental Protection Act 1994 (the property is a place or business to which a **prescribed Transitional Environmental Program (TEP)** applies).

A search of all TEPs has been undertaken, including those that are not prescribed. Prescribed TEPs are those that do not relate to an environmental authority.

Notice No	Notice Type	Location	Date	Status	Documents
No records identified					

**LOT/PLAN**  
Lot 434, SP184367



#### THINGS TO KNOW

##### • Seller Responsibility

This report does not replace the seller's responsibility to accurately complete the Seller Disclosure Statement.

It is important to read and carefully consider each notice before determining whether it needs to be disclosed. You should seek legal advice about your obligations to disclose notices under the Environmental Protection Act 1994 (QLD).

##### • Notice Types

Notices identified under section 369C(2) and 347(2) may also apply to Section 408(2).

#### INTERESTED IN FURTHER INSIGHTS?

This report has been purpose-built to support the Seller Disclosure Statement requirements. For a more comprehensive due diligence search, we recommend the Lotsearch Contaminated Land Search — which identifies additional contamination records for the site and the surrounding area. Visit [lotsearch.com.au](https://lotsearch.com.au)

#### CUSTOMER SUPPORT

 [support@lotsearch.com.au](mailto:support@lotsearch.com.au)



# LOTSEARCH

Spatial Intelligence | Mapping Risk

## Seller Disclosure - Contamination Notices

## Dataset Listing

The results in this report are based upon the following datasets only:

Dataset Name	Custodian	Supply Date	Currency Date	Update Frequency
Enforcement Actions	QLD Department of Environment, Tourism, Science and Innovation	22/08/2025	22/08/2025	Weekly

## Useful Contacts

Lotsearch Pty Ltd  
[www.lotsearch.com.au](http://www.lotsearch.com.au)  
[support@lotsearch.com.au](mailto:support@lotsearch.com.au)

Department of the Environment, Tourism,  
 Science and Innovation (DETSI), Queensland  
<https://www.detsi.qld.gov.au/>  
 13 QGOV (13 74 68)

Moreton Bay City  
<http://www.moretonbay.qld.gov.au/>  
[council@moretonbay.qld.gov.au](mailto:council@moretonbay.qld.gov.au)  
 (07) 3205 0555

[Click for 'Use of Report - Applicable Terms'](#)

### Disclaimer:

The purpose of this report is to provide a search of the public register for the site, to support the requirement of disclosing contamination and environmental protection notices under Part 3 - Land use, planning and environment, of the QLD Seller Disclosure Statement, as part of the Property Law Regulation 2024. The report may not identify all the notices required by the relevant disclosure requirements. It does not include a search of the DETSI contaminated land search (EMR/CLR). The report does not replace your responsibility to accurately identify and disclose information relevant to the matters outlined in the Seller Disclosure Statement. You should seek legal advice about your obligations to disclose notices under the Environmental Protection Act 1994 (QLD).

The report does not constitute advice. The report is not a substitute for an on-site inspection or review of other available reports and records. The report is not intended to be, and should not be taken to be, a rating or assessment of the desirability or market value of the property or its features. You should obtain independent advice from a suitably qualified professional or legal practitioner before you make any decision based on the information within the report.

You understand that Lotsearch has defined the site by reference to lot and plan information supplied in the order. You accept that Lotsearch may amend some of the information supplied in the order, to identify the relevant site for the report.

Information provided by public authorities is constantly changing. This report is based on data listed in the Dataset Listing table and reflects a point in time position based on the datasets supplied on the dates given in the report. Report content may change over time. You should always seek an up-to-date report before relying on any of the content.

A link to the detailed terms applicable to the use of this report is available above.





## Department of Transport and Main Roads

### Property Search - Advice to Applicant

**Property Search reference 944071**

**Date: 01/09/2025**

**Search Request reference: 171780045**

#### **Applicant details**

**Applicant:** kayla.watson@aejislegal.com.au kayla.watson@aejislegal.com.au  
kayla.watson@aejislegal.com.au

**Buyer:** Sellers Disclosure

#### **Search response:**

Your request for a property search on Lot 434 on Plan SP184367 at 18 ELSEY CIRCUIT, NORTH LAKES QLD 4509 has been processed.

At this point in time the Department of Transport and Main Roads has no land requirement from the specified property.

#### **Note:**

1. Development proposed on this property may require approval under the Planning Act. This may include referral to the State Assessment and Referral Agency for assessment of the impacts to state transport corridors and infrastructure.
2. New or changed access between this property and a state transport corridor will require approval under the Transport Infrastructure Act.
3. To see what other State Government planning has been identified in your area, please refer to the online DA Mapping system. Refer to the State Transport interests under the SARA layers to identify what interests TMR has in your locality.  
< <https://planning.dsdmip.qld.gov.au/maps/sara-da>>
4. Any properties located in proximity to a current or future State transport corridor may be affected by noise. For existing corridors, refer to the online SPP interactive mapping system. Select the Information Purposes and refer to the Transport Infrastructure. If the property is located in a mandatory transport noise corridor then Mandatory Part 4.4 of the Queensland Development Code will apply.  
< <https://planning.dsdmip.qld.gov.au/maps/spp>>

#### **Disclaimer:**

**Any information supplied by this Department of Transport and Main Roads' (TMR) property search is provided on the basis that you will use your own judgement to independently evaluate, assess and verify the information's completeness, suitability, purpose and usefulness.**

Without limitation, TMR is under no liability for any negligence, claim, loss or damage (including consequential or indirect loss or lost time, profits, savings, contracts, revenue, interest, business opportunities, goodwill or damage to reputation) however caused (whether by negligence or otherwise) that may be suffered or incurred or that may arise directly or indirectly out of any act or omission on its part in connection with the use and reliance upon, and the provision of this property search, including loss or damage caused by any delays in providing this property search to the party who requested the information or any errors, misdescriptions, incompleteness and inaccuracies in the information. TMR excludes all warranties, representations, terms, conditions and undertaking in respect of the completeness, quality, accuracy, suitability or fitness of the information contained in this property search for your purpose. You acknowledge that the information provided is indicative only and may be subject to change.

#### **Privacy Statement:**

The personal information collected on this property search is required to enable TMR to communicate with you regarding your enquiry. The information recorded will not be disclosed to a third party without your consent or unless required or authorised to do so by law.



## Owner Builder Search

### Search Results:

[Search - Main Page](#)

No Owner Builder Permit was found for one of the following reasons:

- The details supplied were incorrect or inconclusive.
- There is no existence of an owner builder permit.
- Any owner builder permits held are no longer active.
- Any owner builder permit held was issued prior to 21st of December 2007\*
- Please also be aware that some individuals may trade through a company structure. For peace of mind you should search companies as well.

\* Please note that QBCC is not able to release information relating to owner builder permits issued prior to 21 December 2007 due to the Queensland Building and Construction Commission and other Legislation Amendment Act 2007 not coming into affect until that date, nor is it able to release information relating to owner builder permits which are no longer active as per section 103A of the Queensland Building and Construction Commission Act 1991. Information for permits issued prior to this date may be obtained under Right to Information (RTI). Please refer to the RTI section on the website - [Click Here](#)



Case Types

QCase

Applications

Going To The Tribunal

Decisions

Resources



Case types / Tree and fence disputes / **Tree orders register**

# Tree orders register

The tree orders register shows orders affecting land made under the Neighbourhood Dispute (Dividing Fences and Trees) Act 2011, including who is responsible for carrying out the order and the timeframe.

You can search for a tree order by entering a suburb, street name, order name (e.g. NDR019) or the name of the applicant or respondent in the matter.

The tree orders register shows orders affecting land made under the *Neighbourhood Dispute (Dividing Fences and Trees) Act 2011*, including who is responsible for carrying out the order and the timeframe.

Orders are added to the register within 14 days of the order being made. The tree register does not list tree dispute applications or pending proceedings. To identify existing applications, you can request a [search of the register of proceedings](#).

No results found.

Search for

elsey circuit

Submit



# Rate reminder notice



**Customer Service Centres**  
Caboolture - 2 Hasking Street, Caboolture  
Redcliffe - 1 Irene Street, Redcliffe  
Strathpine - 220 Gympie Road, Strathpine

**Postal Address**  
PO Box 159  
CABOOLTURE QLD 4510

**Customer Service**  
Ph: 1300 522 192

**ABN: 92 967 232 136**  
[www.moretonbay.qld.gov.au](http://www.moretonbay.qld.gov.au)



P14BMCREM50 AAMA01E-656575-08131-13625/036

**Property location:**  
18 Elsey Circuit  
NORTH LAKES QLD 4509

**Property description:** Lot 434 SP 184367

**Valuation:** \$340,000

This is a courtesy reminder to advise our records indicate as at 28 May 2025, your balance remains overdue by \$773.82.

If you have not made payment, your prompt attention to the overdue amount is appreciated. Should you be experiencing financial hardship, details on how to enter into a payment plan are available on council's website at [www.moretonbay.qld.gov.au/payment-plan](http://www.moretonbay.qld.gov.au/payment-plan).

Please disregard this notice if you have recently paid or contacted Council. Some payment options can take several days to transfer and may not have been received when this reminder notice was prepared.

## Rate reminder notice Issue date: 29 May 2025

**Property number** 650194

**Period of rating** 1 April 2025 to 30 June 2025

**Total due** \$773.82

**Due date** Overdue - Payable Immediately  
*Interest will be charged at 8% compounded daily.*



### Do it online with My Account

Get rate notices sent directly to your inbox and make other account changes.

Scan the QR code or visit  
[www.mbrc.qld.gov.au/rates](http://www.mbrc.qld.gov.au/rates)



## Easy ways to pay



**BPAY**  
Biller code: 339457  
Reference number: 50 1830 3330 0650 1942



**PHONE**  
Call (07) 3480 6349 (Mastercard and Visa only)  
Reference number: 50 1830 3330 0650 1942



**ONLINE**  
Scan the QR code or visit  
[www.moretonbay.qld.gov.au/pay-your-rates](http://www.moretonbay.qld.gov.au/pay-your-rates)  
Reference number: 50 1830 3330 0650 1942



**IN PERSON**  
Pay at any of Council's Customer Service Centres  
Mon to Fri 8.30am - 5pm



**MAIL**  
Send your payment and remittance advice to:  
Moreton Bay City Council  
PO Box 159  
CABOOLTURE QLD 4510

### Payment remittance slip

For payments by mail please send this portion with cheque/money order payable to:

Moreton Bay City Council  
PO Box 159  
CABOOLTURE QLD 4510

**Property Number:** 650194

**Property Location:** 18 Elsey Circuit NORTH LAKES QLD 4509

**Barcode:**



\*2471 501830333006501942

**Payment Amount:** \$773.82



**Unitywater**  
Serving you today,  
investing in tomorrow.



Send email  
Customer service  
@unitywater  
com

015353 5500

## WATER AND SEWERAGE YOUR BILL

**1300 086 489**  
Emergencies and faults  
Account enquiries  
24 Hours, 7 days  
8am-5pm Mon-Fri

**unitywater.com**  
ABN  
89 791 717 472

Account number	100022566
Payment reference	1000 2256 62
Property	18 Eisey Cct, NORTH LAKES, QLD

Bill number	7127343083
Billing period	05 Mar 2025 92 days to 4 Jun 2025
Issue date	6 Jun 2025
Approximate date of next meter reading	25 Aug 2025

### Your account activity



Overdue	\$479.80
Total due*	<b>\$752.51</b>
New charges due	7 Jul 2025

8% interest per annum, compounding daily, will apply to any amount not paid by the due date.

\* Includes overdue amount

#### Compare your average daily usage over time



#### Compare your current daily usage with our regional target of 150 litres



## My Account

With new features, managing your account online has never been easier.

Everything you need, right at your fingertips.

To find out more visit [unitywater.com/myaccount](https://unitywater.com/myaccount)



## Easy ways to pay

For other payment options - see over



**BPAY\***  
Biller Code: 130393  
Ref: 1000 2256 62

Contact your bank or financial institution to pay from your cheque, savings, debit, credit card or transaction account.  
Find out more at [bpay.com.au](https://bpay.com.au)

\* Registered to BPAY Pty Ltd ABN 69 079 137 518



#### Direct Debit

Login to My Account at [unitywater.com](https://unitywater.com) to set up automatic payments from your bank account or credit card or call us for assistance.

#### SmoothPay

Smooth out your bill payments across the year with regular fortnightly or monthly payments, interest free.  
Find out more at [unitywater.com/smoothpay](https://unitywater.com/smoothpay)



Your account details



1300 086 489  
Account enquiries

8am-5pm Mon-Fri

Water meter details 1 kilolitre (kL) = 1000 litres (L)

Meter ID	Previous read date	Previous reading (kL)	Current read date	Current reading (kL)	Usage (kL)	No. of days	Average daily usage (L)
14W015255	4 Mar 25	1558	4 Jun 25	1559	1	92	10.9
Total water usage					1	92	10.9
Total sewerage usage (waste and greywater) = 90% of water usage					0.90	92	9.8

Activity since last bill

Last bill		\$503.54
Payments / adjustments		
27 Apr 2025	Interest Charges 8% 39 days	\$1.92
5 Jun 2025	Interest Charges 8% 39 days	\$4.34
6 Jun 2025	Interest Charges 8% 1 days	\$0.11
Account balance		\$509.91

Water and Sewerage Charges

Lot 434 Plan SP184367 Installation ID 223164258810

State Bulk Water Price	Period	kL/day	x Days	x Price/kL	
State Govt Bulk Water	05 Mar 25 to 04 Jun 25	0.0109	92	\$3.444	\$3.44

This is how much Unitywater pays to purchase water from the State Government, and is passed on to customers at cost.

Unitywater (local government distributor-retailer price)

Variable Usage Charges	Period	kL/day	x Days	x Price/kL	
Water up to 822 L/day	05 Mar 25 to 04 Jun 25	0.0109	92	\$0.760	\$0.76
Sewerage up to 740 L/day	05 Mar 25 to 04 Jun 25	0.0098	92	\$0.760	\$0.68
Fixed Access Charges	Period	x No.	x Days	x Price/day	
Water Access 20mm	05 Mar 25 to 04 Jun 25	1	92	\$0.972	\$89.42
Sewerage Access	05 Mar 25 to 04 Jun 25	1	92	\$1.938	\$178.30
Water subtotal					\$93.62
Sewerage subtotal					\$178.98

New water and sewerage charges \$272.60

Rebates		
Pensioner Rebate	01 Apr 25 to 30 Jun 25	-\$30.00

Total Rebates -\$30.00

Total Due<sup>#</sup> = ① + ② - ③ \$752.51

<sup>#</sup>Includes Overdue Amount - please pay immediately (8% interest per annum, compounding daily, is being charged on this amount) \$479.80

Important information

**Payment assistance**  
If you are having difficulty paying, please call Unitywater as soon as you receive your bill and before its due date to discuss how we can help.

**Changing contact details**  
Login to My Account at [unitywater.com](http://unitywater.com) for quick, easy changes online 24/7 or call us during business hours.

**Pensioners**  
If you own and live at your property and have an eligible concession card, you may apply for a pensioner rebate. Please call Unitywater or fill out our easy online form at [unitywater.com/pensioner](http://unitywater.com/pensioner)

**Credit card payments**  
Only MasterCard and Visa are accepted. A credit card surcharge may apply to your payment. Learn more at [unitywater.com/creditcard](http://unitywater.com/creditcard)

**Interest on overdue amounts**  
Interest of 8% per annum, compounding daily, will apply to any amount not paid by the due date.

**Water efficiency**  
For water efficiency tips, visit [unitywater.com/water-tips](http://unitywater.com/water-tips)

**Interpreter service 13 14 50**  
当您需要口译员时，请致电 13 14 50。  
اكتب على الرقم 13 14 50 عندما تكون بحاجة إلى مترجم فوري.  
Khi bạn cần thông ngôn, hãy gọi số: 13 14 50.  
통역사가 필요하시면 13 14 50으로 연락하십시오.  
Consult necessity on interpreter line at 13 14 50

**Privacy policy**  
We've updated our privacy policy so that we can deliver improved services with trusted partners. Visit [unitywater.com/privacy](http://unitywater.com/privacy)

**International calls**  
+ 61 7 5431 8333  
[unitywater.com](http://unitywater.com)  
PO Box 953  
Caboolture QLD 4510  
1300 086 489

More payment options



**Credit card by phone or online**  
To make a one-off credit card (Visa or MasterCard only) payment call 1300 047 763 or go to [unitywater.com](http://unitywater.com). A credit card surcharge may apply.  
Ref: 1000 2256 62



**Cheques by mail**  
Send this portion with your cheque payable to: Unitywater, Locked Bag 2, Maroochydore BC QLD 4558



**In person, by phone or online**  
Billpay Code: 4028  
Ref: 1000 2256 62  
Pay in person at any post office, call 13 18 16, or go to [postbillpay.com.au](http://postbillpay.com.au)



\*4028 1000225662 00075251

Account number	100022566
Payment reference	1000 2256 62
Overdue	\$479.80
Total due <sup>#</sup>	\$752.51
New charges due	7 Jul 2025

<sup>#</sup> Includes overdue amount

# Contract for the Sale and Purchase of Residential Real Estate

First Edition

*This document has been approved by The Real Estate Institute of Queensland Limited and the Queensland Law Society Incorporated as being suitable for the sale and purchase of residential real estate in Queensland.*

**The Seller and Buyer agree to sell and buy the Property under this contract.**

## REFERENCE SCHEDULE

**Contract Date:** \_\_\_\_\_ *If no date is inserted, the Contract Date is the date on which the last party signs the Contract*

## PARTIES

### SELLER

NAME: \_\_\_\_\_ ABN: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUBURB: \_\_\_\_\_ STATE: \_\_\_\_\_ POSTCODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

NAME: \_\_\_\_\_ ABN: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUBURB: \_\_\_\_\_ STATE: \_\_\_\_\_ POSTCODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

### SELLER'S AGENT

NAME: \_\_\_\_\_

ABN: \_\_\_\_\_ LICENCE NO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUBURB: \_\_\_\_\_ STATE: \_\_\_\_\_ POSTCODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

### SELLER'S SOLICITOR

← or any other solicitor notified to the Buyer

NAME: \_\_\_\_\_

REF: \_\_\_\_\_ CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUBURB: \_\_\_\_\_ STATE: \_\_\_\_\_ POSTCODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

### BUYER

NAME: \_\_\_\_\_ ABN: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUBURB: \_\_\_\_\_ STATE: \_\_\_\_\_ POSTCODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

NAME: \_\_\_\_\_ ABN: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUBURB: \_\_\_\_\_ STATE: \_\_\_\_\_ POSTCODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**INITIALS** (Note: initials not required if signed with Electronic Signature)

000039902562

**BUYER'S AGENT** (If applicable)

NAME: \_\_\_\_\_

ABN: \_\_\_\_\_ LICENCE NO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUBURB: \_\_\_\_\_ STATE: \_\_\_\_\_ POSTCODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**BUYER'S SOLICITOR**

← or any other solicitor notified to the Seller

NAME: \_\_\_\_\_

REF: \_\_\_\_\_ CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUBURB: \_\_\_\_\_ STATE: \_\_\_\_\_ POSTCODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**PROPERTY**

LOT: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

SUBURB: \_\_\_\_\_ STATE: \_\_\_\_\_ POSTCODE: \_\_\_\_\_

DESCRIPTION: LOT: \_\_\_\_\_ PLAN: \_\_\_\_\_ AREA: \_\_\_\_\_ ← more or less

TITLE REFERENCE: \_\_\_\_\_ SOLD AS: ☐ Freehold ☐ Leasehold☐ Built On ☐ Vacant ■ if neither is selected, the Lot is treated as being Freehold.

Present Use: \_\_\_\_\_

Local Government: \_\_\_\_\_

Excluded Fixtures: \_\_\_\_\_ ■ attach annexure for additional space

Included Chattels: \_\_\_\_\_ ■ attach annexure for additional space

**PRICE****Cyber Warning**

Cyber criminals are targeting real estate transactions by sending fraudulent electronic communications (emails) impersonating lawyers and real estate agents. BEFORE you pay any funds to another person or company using information that has been emailed to you or contained in this Contract, you should contact the intended recipient by telephone to verify and confirm the account details that have been provided to you.

PURCHASE \$  
PRICE: \_\_\_\_\_DEPOSIT:  
Initial Deposit \$ \_\_\_\_\_  
payable on the day the Buyer signs this contract  
unless another time is specified below:Balance Deposit \$ \_\_\_\_\_  
(if any) payable on: \_\_\_\_\_

NOTE: failure to pay the deposit on the date(s) specified may result in termination of the contract and forfeiture of the deposit to the Seller.

Deposit Holder:	
Deposit Holder's Trust Account:	
Bank:	
BSB:	Account No:

DEFAULT INTEREST RATE: \_\_\_\_\_ %

■ If no figure is inserted, the Contract Rate applying at the Contract Date published by the Queensland Law Society Inc will apply.

INITIALS (Note: initials not required if signed with Electronic Signature)

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## SETTLEMENT

### SETTLEMENT DATE:

- or any later date for settlement in accordance with clause 6.2, 6.3 or 11.6(1) or a special condition of this contract or under s79, s80 or s81 of the Property Law Act 2023.

**WARNING:** The Settlement Date as stated may change. If you require settlement on a particular date, seek legal advice prior to signing.

## GST

**[Select one. For sale of house or residential land or residential unit between parties who are not registered or required to be registered for GST, select first option]**

Completing the GST items may have significant consequences for the Seller and Buyer. The Seller and Buyer should seek professional advice about completion of the GST item and should not rely on the Agent to complete.

- ☐ No GST is payable or Purchase Price includes GST (if any) [clause 10.2 applies]
- ☐ Buyer must pay GST in addition to the Purchase Price [clause 10.3 applies]
- ☐ Margin Scheme [clause 10.4 applies]
- ☐ Going concern [clause 10.5 applies]
- ☐ Farm Land [clause 10.6 applies]

*[If not completed, clause 10.2 No GST is payable or Purchase Price includes GST applies]*

## GST WITHHOLDING OBLIGATIONS

### Is the Buyer registered for GST and acquiring the Property for a creditable purpose?

- ☐ No
- ☐ Yes

← **WARNING:** the Buyer warrants in clause 3.3(5) that this information is true and correct.

*[Note: An example of an acquisition for a creditable purpose would be the purchase of the Property by a building contractor, who is registered for GST, for the purposes of building a house on the Lot and selling it in the ordinary course of its business.]*

### The Seller gives notice to the Buyer in accordance with section 14-255(1)(a) of the Withholding Law that:

*(select whichever is applicable)*

- ☐ the Buyer is not required to make a payment under section 14-250 of the Withholding Law in relation to the supply of the Property
- ☐ the Buyer is required to make a payment under section 14-250 of the Withholding Law in relation to the supply of the Property. Under section 14-255(1) of the Withholding Law, the Seller is required to give further details prior to settlement.

← **WARNING:** All sellers of residential premises or potential residential land are required to complete this notice. Section 14-250 of the Withholding Law applies to the sale of 'new residential premises' or 'potential residential land' (subject to some exceptions) and requires an amount to be withheld from the Purchase Price and paid to the ATO. The Seller should seek legal advice if unsure about completing this section.

## LAND TAX

### NOTE: This item **must be completed if:**

- the Property is **not** the Seller's principal place of residence (their home); and
- the Seller is not otherwise exempt from paying land tax in connection with the Property.

*[select one]*

- ☐ No adjustment is to be made for land tax
- ☐ Land tax is to be adjusted on a single holding basis
- ☐ Land tax is to be adjusted on the Seller's actual land tax liability

*[If not completed, no adjustment is to be made for land tax]*

## CONDITIONS

### FINANCE

Finance Amount: \$ \_\_\_\_\_

Financier: \_\_\_\_\_

Finance Date: \_\_\_\_\_

- Unless all of "Finance Amount", "Financier" and "Finance Date" are completed, this contract is not subject to finance and clause 4.1 does not apply.

### BUILDING AND/OR PEST INSPECTION DATE

Inspection Date: \_\_\_\_\_

- If "Inspection Date" is not completed, the contract is not subject to an inspection report and clause 4.2 does not apply.

INITIALS *(Note: initials not required if signed with Electronic Signature)*

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## MATTERS AFFECTING PROPERTY

### TITLE ENCUMBRANCES:

The Encumbrances listed below **will remain after** settlement under clause 7.2:

☐ **Seller Disclosure Statement was given to the Buyer**

- a. the **registered interests and encumbrances** listed on the title search included in the Seller Disclosure Statement other than any mortgage, caveat or charge; and
- b. the **Unregistered Encumbrances** (note this includes statutory encumbrances affecting the land) disclosed in the Seller Disclosure Statement, unless this contract requires them to be discharged at or before settlement (for example clause 3.5).

☐ **Seller Disclosure Statement was NOT given to the Buyer**

List all Encumbrances that **will remain after** settlement under clause 7.2:

(You need to include specific description of all registered interests, unregistered interests and statutory encumbrances (see definition of Encumbrances)).

### TENANCIES:

Is the Property sold subject to a Residential Tenancy Agreement or Rooming Accommodation Agreement?

☐ No

☐ Yes, details are contained in the attached Tenancies Schedule

### OTHER MATTERS:

#### Residential Tenancy Agreements or Rooming Accommodation Agreements:

Has the Property been subject to a Residential Tenancy Agreement or Rooming Accommodation Agreement at any time within the period of 12 months before the Contract Date?

☐ No

☐ Yes

If Yes, the day of the last rent increase for each residential premises comprising the Property is: \_\_\_\_\_

← **WARNING TO SELLER:** If the Property or any part has been let at any time in the last 12 months the Seller is required under clause 5.5(1)(e) to provide evidence of the last rent increase. Failure to provide evidence by settlement may entitle the Buyer to terminate the contract.

### TREE ORDERS AND APPLICATIONS:

#### Neighbourhood Disputes (Dividing Fences and Trees) Act 2011, section 83:

Is the Lot affected by an application to, or an order made by, the Queensland Civil and Administrative Tribunal (QCAT) in relation to a tree on the Lot?

☐ No

☐ Yes

If yes, a copy of the application or order is given with this contract.

← **WARNING:** Failure to comply with s83 Neighbourhood Disputes (Dividing Fences and Trees Act) 2011 by giving a copy of an order or application to the Buyer (where applicable) prior to Buyer signing the contract will entitle the Buyer to terminate the contract prior to Settlement.

## POOL SAFETY

**Q1.** Is there a pool on the Lot or on adjacent land used in association with the Lot?

☐ No

☐ Yes

**Q2.** If the answer to Q1 is Yes, is there a Pool Compliance Certificate for the pool at the time of contract?

☐ No

☐ Yes

← **WARNING TO SELLER:** If there is a regulated pool on the Lot, under clause 5.5(1)(f) the Seller must provide a Pool Compliance Certificate at settlement. If there is no Pool Compliance Certificate at the Contract Date you must give a Notice of No Pool Safety Certificate to the Buyer prior to entering into this contract

## ELECTRICAL SAFETY SWITCH AND SMOKE ALARM

■ **NOTE:** This section must be completed if there is a domestic dwelling on or comprising the Lot

The Seller gives notice to the Buyer that an Approved Safety Switch for the General Purpose Socket Outlets is:

☐ Installed in the residence

☐ Not installed in the residence

The Seller gives notice to the Buyer that smoke alarms complying with the Smoke Alarm Requirement Provision are:

☐ Installed in the residence

☐ Not installed in the residence

← **WARNING:** By giving false or misleading information in this section, the Seller may incur a penalty. The Seller should seek expert and qualified advice about completing this section and not rely on the Seller's Agent to complete this section.

← **WARNING:** Under clause 7.9 the Seller must install smoke alarms complying with the Smoke Alarm Requirement Provision in any domestic dwelling on the Lot. Failure to do so is an offence under the Fire Services Act 1990.

**INITIALS** (Note: initials not required if signed with Electronic Signature)

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**LOTS IN A COMMUNITY TITLES SCHEME****(COMPLETE IF APPLICABLE)****STATUTORY WARRANTIES AND CONTRACTUAL RIGHTS**

If the Lot is a lot in a community titles scheme, the Seller gives notice to the Buyer of the following matters:

← **WARNING TO SELLER:** The Body Corporate and Community Management Act 1997 and the Contract include warranties by the Seller about the Body Corporate and the Scheme land. Breach of a warranty may result in a damages claim or termination by the Buyer. Sellers should consider whether to carry out an inspection of the Body Corporate records to complete this section.

(a) Latent or Patent Defects in Common Property or Body Corporate Assets (s 223(2)(a)(b))\*

(b) Actual or Contingent or Expected Liabilities of Body Corporate (s 223(2)(c)(d))\*

(c) Circumstances in Relation to Affairs of Body Corporate (s 223(3))\*

(d) Proposal to Record a New Community Management Statement (clause 12.9(1)(a))

(e) Unapproved improvements on common property benefitting the Lot (clause 12.9(1)(b))\*

(f) Outstanding by-law contravention notices (clause 12.9(1)(c))\*

(g) Proposed Body Corporate resolutions (clause 12.10)\*

*\*Include in attachment if insufficient space*

**INSPECTION OF BODY CORPORATE RECORDS**

**Records Inspection Date:** \_\_\_\_\_

← If "Records Inspection Date" is not completed, the contract is not subject to a satisfactory inspection of records and clause 12.3 does not apply.

**LOTS IN A BUILDING UNIT AND GROUP TITLE PARCEL****(COMPLETE IF APPLICABLE)****WARRANTIES AND CONTRACTUAL RIGHTS**

If the Lot is a lot in a Parcel to which the *Building Units and Group Titles Act 1980* applies, the Seller gives notice to the Buyer of the following matters:

← **WARNING TO SELLER:** The Contract includes warranties by the Seller about the Body Corporate and the Parcel. Breach of a warranty may result in a damages claim or termination by the Buyer. Sellers should consider whether to carry out an inspection of the Body Corporate records to complete this section.

(a) Proposal to add to, alter or repeal by-laws (clause 13.9(1)(a))

(b) Unapproved improvements on common property benefitting the Lot (clause 13.9(1)(b))\*

(c) Outstanding by-law contravention notices (clause 13.9(1)(c))\*

(d) Proposed Body Corporate resolutions (clause 13.10)\*

*\*Include in attachment if insufficient space*

**INSPECTION OF BODY CORPORATE RECORDS**

**Records Inspection Date:** \_\_\_\_\_

← If "Records Inspection Date" is not completed, the contract is not subject to a satisfactory inspection of records and clause 13.3 does not apply.

**INITIALS** (Note: initials not required if signed with Electronic Signature)

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## SPECIAL CONDITIONS

## SIGNATURES

The contract may be subject to a 5 business day statutory cooling-off period. A termination penalty of 0.25% of the purchase price applies if the Buyer terminates the contract during the statutory cooling-off period. It is recommended the Buyer obtain an independent property valuation and independent legal advice about the contract and his or her cooling-off rights, before signing.

Buyer: \_\_\_\_\_ Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Buyer: \_\_\_\_\_ Date: \_\_\_\_\_ Witness: \_\_\_\_\_

By placing my signature above, I warrant that I am the Buyer named in the Reference Schedule or authorised by the Buyer to sign.

(Note: No witness is required if the Buyer signs using an Electronic Signature)

Seller: \_\_\_\_\_ Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Seller: \_\_\_\_\_ Date: \_\_\_\_\_ Witness: \_\_\_\_\_

By placing my signature above, I warrant that I am the Seller named in the Reference Schedule or authorised by the Seller to sign.

(Note: No witness is required if the Seller signs using an Electronic Signature)

INITIALS (Note: initials not required if signed with Electronic Signature)

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**TERMS OF CONTRACT**  
**FOR THE SALE AND PURCHASE OF RESIDENTIAL REAL ESTATE**

**1. DEFINITIONS**

**1.1** In this contract, terms in **bold** in the Reference Schedule have the meanings shown under or opposite them and unless the context otherwise requires:

- (a) **"Approved Safety Switch"** means a residual current device as defined in the *Electrical Safety Regulation 2013*;
- (b) **"ATO"** means the Australian Taxation Office;
- (c) **"ATO Clearance Certificate"** means a certificate issued under s14-220(1) of the Withholding Law which is current on the date it is given to the Buyer;
- (d) **"Balance Purchase Price"** means the Purchase Price, less the Deposit paid by the Buyer;
- (e) **"Bank"** means an authorised deposit-taking institution within the meaning of the *Banking Act 1959* (Cth);
- (f) **"Bank Cheque"**:
  - (i) includes a cheque drawn by a building society or credit union on itself; and
  - (ii) does not include a cheque drawn by a building society or credit union on a Bank;
- (g) **"Bond"** means a bond under the *Residential Tenancies and Rooming Accommodation Act 2008*;
- (h) **"Building Inspector"** means a person licensed to carry out completed residential building inspections under the *Queensland Building and Construction Commission Regulation 2018*;
- (i) **"Business Day"** means a day other than:
  - (i) a Saturday or Sunday;
  - (ii) a public holiday or special holiday in the Place for Settlement; and
  - (iii) a day in the period 27 to 31 December (inclusive);
- (j) **"CGT Withholding Amount"** means the amount determined under section 14-200(3)(a) of the Withholding Law or, if a copy is provided to the Buyer prior to settlement, a lesser amount specified in a variation notice under section 14-235;
- (k) **"Contract Date"** or **"Date of Contract"** means:
  - (i) the date inserted in the Reference Schedule as the Contract Date; or
  - (ii) if no date is inserted, the date on which the last party signs this contract;
- (l) **"Court"** includes any tribunal established under statute;
- (m) **"Digitally Sign"** and **"Digital Signature"** have the meaning in the ECNL;
- (n) **"ECNL"** means the Electronic Conveyancing National Law (Queensland);
- (o) **"Electronic Conveyancing Documents"** has the meaning in the *Land Title Act 1994*;
- (p) **"Electronic Lodgement"** means lodgement of a document in the Land Registry in accordance with the ECNL;
- (q) **"Electronic Settlement"** means settlement facilitated by an ELNO System;
- (r) **"Electronic Signature"** means an electronic method of signing that identifies the person and indicates their intention to sign the contract;
- (s) **"Electronic Workspace"** means a shared electronic workspace within the ELNO System nominated by the Seller that allows the Buyer and Seller to effect Electronic Lodgement and Financial Settlement;
- (t) **"ELNO"** has the meaning in the ECNL;
- (u) **"ELNO System"** means a system provided by an ELNO capable of facilitating Financial Settlement and Electronic Lodgement in Queensland;
- (v) **"Encumbrances"** includes:
  - (i) registered encumbrances;
  - (ii) Unregistered Encumbrances; and
  - (iii) Security Interests;
- (w) **"Enforcement Notice"** means any valid notice or order by any competent authority or Court requiring work to be done or money spent in relation to the Property;
- (x) **"Essential Term"** includes, in the case of breach by:
  - (i) the Buyer: clauses 2.1, 3.1, 3.2, 3.3, 5.1 and 6.1; and
  - (ii) the Seller: clauses 3.2, 3.3, 5.5(1) and 6.1; but nothing in this definition precludes a Court from finding other terms to be essential;
- (y) **"Extension Notice"** means a notice under clause 6.2(1);
- (z) **"Financial Institution"** means a Bank, building society or credit union;
- (aa) **"Financial Settlement"** means the exchange of value between Financial Institutions facilitated by an ELNO System in accordance with the Financial Settlement Schedule;
- (bb) **"Financial Settlement Schedule"** means the electronic settlement schedule within the Electronic Workspace listing the source accounts and destination accounts;
- (cc) **"General Purpose Socket Outlet"** means an electrical socket outlet as defined in the *Electrical Safety Regulation 2013*;
- (dd) **"GST"** means the goods and services tax under the GST Act;
- (ee) **"GST Act"** means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and includes other GST related legislation;
- (ff) **"GST Withholding Amount"** means the amount (if any) determined under section 14-250 of the Withholding Law required to be paid to the Commissioner of Taxation;
- (gg) **"Improvements"** means all fixed structures on the Lot and includes all items fixed to them (such as stoves, hot water systems, fixed carpets, curtains, blinds and their fittings, clothes lines, fixed satellite dishes and television antennae, in-ground plants) but does not include the Reserved Items;
- (hh) **"Keys"** means keys, codes or devices in the Seller's possession or control for all locks or security systems on the Property or necessary to access the Property;
- (ii) **"Outgoings"** means rates or charges on the Lot by any competent authority (for example, council rates, water rates, fire service levies) but excludes land tax if the Reference Schedule provides that *No adjustment is to be made for land tax*;  
[Note: the definition of Outgoings is modified by clauses 12.2(2)(a), 13.2(2)(a) where applicable]
- (jj) **"Pest Inspector"** means a person licensed to undertake termite inspections on completed buildings under the *Queensland Building and Construction Commission Regulation 2018*;

- (kk) **"Place for Settlement"** means:
- (i) where the Seller is represented by a solicitor who has an office in Queensland, the city or town in Queensland in which the office of the Seller's Solicitor is located;
  - (ii) otherwise, within the Brisbane Central Business District;
- (ll) **"Pool Compliance Certificate"** means:
- (i) a Pool Safety Certificate under section 231C(a) of the *Building Act 1975*; or
  - (ii) a building certificate that may be used instead of a Pool Safety Certificate under section 246AN(2) of the *Building Act 1975*; or
  - (iii) an exemption from compliance on the grounds of impracticality under section 245B of the *Building Act 1975*;
- (mm) **"PPSR"** means the Personal Property Securities Register established under *Personal Property Securities Act 2009* (Cth);
- (nn) **"Property"** means:
- (i) the Lot;
  - (ii) the Improvements; and
  - (iii) the Included Chattels;
- [Note: the definition of Property is modified by clause 12.2(2)(b) or 13.2(2)(b) where applicable]
- (oo) **"Rent"** means any periodic amount payable under the Tenancies;
- (pp) **"Reserved Items"** means the Excluded Fixtures and all chattels on the Lot other than the Included Chattels;
- (qq) **"Residential Tenancy Agreement"** has the meaning in the RTRA Act;
- (rr) **"Rooming Accommodation Agreement"** has the meaning in the RTRA Act;
- (ss) **"RTRA Act"** means the *Residential Tenancies and Rooming Accommodation Act 2008*;
- (tt) **"Security Interests"** means all security interests registered on the PPSR over Included Chattels and Improvements;
- (uu) **"Seller Disclosure Statement"** means the disclosure statement and prescribed certificates given by the Seller to the Buyer under section 99(1) of the *Property Law Act 2023* (if applicable) before the Buyer signed this contract;
- (vv) **"Services"** means infrastructure for the provision of services including water, gas, electricity, telecommunications, sewerage or drainage;
- (ww) **"Site Value"** means:
- (i) in the case of non-rural land, the site value under the *Land Valuation Act 2010*; or
  - (ii) in the case of rural land, the unimproved value under the *Land Valuation Act 2010*;
- (xx) **"Smoke Alarm Requirement Provision"** has the meaning in section 147W of the *Fire Services Act 1990*;
- (yy) **"Transfer Documents"** means:
- (i) the form of transfer under the *Land Title Act 1994* required to transfer title in the Lot to the Buyer; and
  - (ii) any other document to be signed by the Seller necessary for stamping or registering the transfer;
- (zz) **"Transport Infrastructure"** has the meaning defined in the *Transport Infrastructure Act 1994*;
- (aaa) **"Unregistered Encumbrance"** has the meaning in the *Property Law Regulation 2024*; and
- (bbb) **"Withholding Law"** means Schedule 1 to the *Taxation Administration Act 1953* (Cth).

## 2. DEPOSIT

### 2.1 Payment of Deposit

- (1) The Buyer must pay the Deposit to the Deposit Holder at the times shown in the Reference Schedule. The Deposit Holder will hold the Deposit until a party becomes entitled to it.
- (2) The Buyer will be in default if it:
  - (a) does not pay the Deposit when required;
  - (b) pays the Deposit by a post-dated cheque; or
  - (c) pays the Deposit by cheque which is dishonoured on presentation.
- (3) Subject to clause 2.1(4), if the Buyer:
  - (a) effects an electronic transaction to pay all or part of the Deposit to the account of Deposit Holder on a day;
  - (b) provides written evidence to the Deposit Holder that the electronic transaction has occurred; and
  - (c) does not take any action to defer the payment to the Deposit Holder to a later day,
 the payment is taken to be received by the Deposit Holder on the day the Buyer effects the electronic transaction even if, because of circumstances beyond the Buyer's control, the payment to the Deposit Holder's account happens on a later day.
- (4) If the Buyer has complied with clause 2.1(3) but the Deposit Holder has not received the payment by the due date:
  - (a) the Seller may give the Buyer notice that the payment has not been received by the Deposit Holder; and
  - (b) if the payment has not been paid into the account of the Deposit Holder by 5pm on the date 2 Business Days after the Seller's notice under clause 2.1(4)(a) is given to the Buyer then clause 2.1(3) will not apply and the Buyer will be in default.
- (5) The Seller may recover from the Buyer as a liquidated debt any part of the Deposit which is not paid when required.

### 2.2 Investment of Deposit

If:

- (1) the Deposit Holder is instructed by either the Seller or the Buyer; and
  - (2) it is lawful to do so;
- the Deposit Holder must:
- (3) invest as much of the Deposit as has been paid with any Financial Institution in an interest-bearing account in the names of the parties;
  - (4) provide the parties' tax file numbers to the Financial Institution (if they have been supplied); and
  - (5) provide the parties with an account statement in respect of the account in which the Deposit is held:
    - (a) at 30 June of each year; and
    - (b) when the Deposit Holder pays the Deposit to the party entitled to it.

### 2.3 Entitlement to Deposit and Interest

- (1) The party entitled to receive the Deposit is:
  - (a) if this contract settles, the Seller;
  - (b) if this contract is terminated without default by the Buyer, the Buyer; and
  - (c) if this contract is terminated owing to the Buyer's default, the Seller.
- (2) The interest on the Deposit must be paid to the person who is entitled to the Deposit.
- (3) The person who is entitled to the Deposit is presently entitled to the interest on the Deposit. Until settlement or termination of this contract, the Seller is presently entitled to the interest on the Deposit.
- (4) If this contract is terminated, and the Buyer is entitled to the Deposit:

- (a) the Buyer must reimburse the Seller for any tax paid by the Seller as a result of an earlier present entitlement to interest on the Deposit; and
  - (b) the Buyer has no further claim once it receives the Deposit and any interest on the Deposit, unless the termination is due to the Seller's default or breach of warranty.
- (5) The Deposit is invested at the risk of the party who is ultimately entitled to it.

### 3. PURCHASE PRICE

#### 3.1 Payment of Balance Purchase Price

On the Settlement Date, the Buyer must pay the Balance Purchase Price:

- (a) for an Electronic Settlement, by electronic funds transfer as directed by the Seller's Solicitor and/or the Seller's mortgagee in the Financial Settlement Schedule; or
- (b) otherwise, by Bank Cheque as the Seller or the Seller's Solicitor directs.

#### 3.2 Foreign Residents Capital Gains Tax Withholding

- (1) Clause 3.2 applies if both the following apply:
  - (a) the sale is not an excluded transaction under s14-215 of the Withholding Law; and
  - (b) the Seller has not given the Buyer on or before settlement for each person comprising the Seller either:
    - (i) an ATO Clearance Certificate; or
    - (ii) a variation notice under s14-235 of the Withholding Law, which remains current at the Settlement Date, varying the CGT Withholding Amount to nil.
- (2) The Buyer must lodge a Foreign Resident Capital Gains Withholding Purchaser Notification Form with the ATO for each person comprising the Buyer and give copies to the Seller with the payment reference numbers (PRN) on or before settlement.
- (3) If settlement is to be effected by Electronic Settlement, at settlement the Financial Settlement Schedule must specify payment of the CGT Withholding Amount to the account nominated by the Commissioner of Taxation.
- (4) If settlement is not an Electronic Settlement:
  - (a) for clause 3.1(b), the Seller irrevocably directs the Buyer to draw a Bank Cheque for the CGT Withholding Amount in favour of the Commissioner of Taxation or, if the Buyer's Solicitor requests, the Buyer's Solicitor's Trust Account;
  - (b) the Seller must return the Bank Cheque in paragraph (a) to the Buyer's Solicitor (or if there is no Buyer's Solicitor, the Buyer) at settlement; and
  - (c) the Buyer must pay the CGT Withholding Amount to the ATO in accordance with section 14-200 of the Withholding Law and give the Seller evidence that it has done so within 2 Business Days of settlement occurring.
- (5) For clause 3.2(1) and section 14-215 of the Withholding Law, the market value of the CGT asset is taken to be the Purchase Price less any GST included in the Purchase Price for which the Buyer is entitled to an input tax credit unless:
  - (a) the Property includes items in addition to the Lot and Improvements; and
  - (b) no later than 2 Business Days before the Settlement Date, the Seller gives the Buyer a valuation of the Lot and Improvements prepared by a registered valuer,
 in which case the market value of the Lot and Improvements will be as stated in the valuation.

### 3.3 GST Withholding

- (1) If the Buyer is required to pay the GST Withholding Amount to the Commissioner of Taxation at settlement pursuant to section 14-250 of the Withholding Law:
  - (a) the Seller must give the Buyer a notice in accordance with section 14-255(1) of the Withholding Law;
  - (b) prior to settlement the Buyer must lodge with the ATO:
    - (i) a *GST Property Settlement Withholding Notification* form ("Form 1"); and
    - (ii) a *GST Property Settlement Date Confirmation* form ("Form 2");
  - (c) on or before settlement, the Buyer must give the Seller copies of:
    - (i) the Form 1;
    - (ii) confirmation from the ATO that the Form 1 has been lodged specifying the Buyer's lodgement reference number and payment reference number;
    - (iii) confirmation from the ATO that the Form 2 has been lodged; and
    - (iv) a completed ATO payment slip for the Withholding Amount.
- (2) The Buyer is taken to have complied with clause 3.3(1)(b) and 3.3(1)(c) if the Form 1 is lodged through the Electronic Workspace and the Form 2 is shown as pending settlement (however described).
- (3) If settlement is to be effected by Electronic Settlement, at settlement the Financial Settlement Schedule must specify payment of the GST Withholding Amount to the account nominated by the Commissioner of Taxation.
- (4) If settlement is not an Electronic Settlement:
  - (a) the Seller irrevocably directs the Buyer to draw a Bank Cheque for the GST Withholding Amount in favour of the Commissioner of Taxation and deliver it to the Seller at settlement; and
  - (b) the Seller must pay the GST Withholding Amount to the ATO in compliance with section 14-250 of the Withholding Law promptly after settlement.
- (5) The Buyer warrants that the statements made by the Buyer in the Reference Schedule under GST Withholding Obligations are true and correct.

### 3.4 Adjustments

- (1) Rent and Outgoings must be apportioned between the parties in accordance with clauses 3.4, 3.5 and 3.6 and any adjustments paid and received on settlement so that:
  - (a) the Seller is liable for Outgoings and is entitled to Rent up to and including the Settlement Date; and
  - (b) the Buyer is liable for Outgoings and is entitled to Rent after the Settlement Date.
- (2) Upon written request by the Buyer, the Seller will, before settlement, give the Buyer a written statement, supported by reasonable evidence, of:
  - (a) all Outgoings and all Rent for the Property to the extent they are not capable of discovery by search or enquiry at any office of public record or pursuant to the provisions of any statute; and
  - (b) any other information which the Buyer may reasonably require for the purpose of calculating or apportioning any Outgoings or Rent under this clause 3.4.

If the Seller becomes aware of a change to the information provided the Seller will as soon as practicable provide the updated information to the Buyer.



### 3.5 Outgoings

- (1) Subject to clauses 3.5(2), 3.5(4), 3.5(5) and 3.5(6), Outgoings for periods including the Settlement Date must be adjusted:
  - (a) for those paid, on the amount paid;
  - (b) for those assessed but unpaid, on the amount payable (excluding any discount); and
  - (c) for those not assessed:
    - (i) on the amount the relevant authority advises will be assessed (excluding any discount); or
    - (ii) if no advice on the assessment to be made is available, on the amount of the latest separate assessment (excluding any discount).
- (2) If there is no separate assessment of rates for the Lot at the Settlement Date and the Local Government informs the Buyer that it will not apportion rates between the Buyer and the Seller, then:
  - (a) the amount of rates to be adjusted is that proportion of the assessment equal to the ratio of the area of the Lot to the area of the parcel in the assessment; and
  - (b) if an assessment of rates includes charges imposed on a "per lot" basis, then the portion of those charges to be adjusted is the amount assessed divided by the number of lots in that assessment.
- (3) The Seller is liable for land tax assessed on the Lot for the financial year current at the Settlement Date. If land tax is unpaid at the Settlement Date and the Queensland Revenue Office advises that it will issue a final clearance for the Lot on payment of a specified amount, then:
  - (a) if settlement is to be effected by Electronic Settlement, at settlement the Financial Settlement Schedule must specify payment of the specified amount to the account nominated by the Commissioner of State Revenue;
  - (b) otherwise, the Seller irrevocably directs the Buyer to draw a Bank Cheque for the specified amount from the Balance Purchase Price at settlement and the Buyer must pay it promptly to the Queensland Revenue Office.
- (4) If the Reference Schedule states that:
  - (a) *Land tax is to be adjusted on a single holding basis*, land tax must be adjusted on the assessment that the Queensland Revenue Office would issue to the Seller for the land tax year current at the Settlement Date if the Lot was the Seller's only land; or
  - (b) *Land tax is to be adjusted on the Seller's actual land tax liability*, land tax must be adjusted on the actual assessment that the Queensland Revenue Office has issued or will issue to the Seller for the land tax year current at the Settlement Date.
- (5) For clause 3.5(4), if there is no separate Site Value for the Lot, the land tax for the Lot shall be calculated on a notional Site Value equal to:

$$SV \times \frac{LA}{PA}$$

where:

SV means the Site Value of the land which includes the Lot and has a separate Site Value (the "**Parent Lot**")

LA means the area of the Lot

PA means the area of the Parent Lot.

[Note: this clause is modified by clauses 12.4 and 13.4 where applicable]

- (6) Any Outgoings assessable on the amount of water used must be adjusted on the charges that would be assessed on the total water usage for the assessment period, determined by assuming that the actual rate of usage shown by the meter reading made before settlement continues throughout the assessment period. The Buyer must obtain and pay for the meter reading.
- (7) If any Outgoings are assessed but unpaid at the Settlement Date, then:
  - (a) if settlement is to be effected by Electronic Settlement, at settlement the Financial Settlement Schedule must specify payment of the amount payable to the relevant authority;
  - (b) otherwise, the Seller irrevocably directs the Buyer to draw a Bank Cheque for the amount payable from the Balance Purchase Price at settlement and pay it promptly to the relevant authority.

If an amount is deducted under this clause, the relevant Outgoing will be treated as paid at the Settlement Date for the purposes of clause 3.5(1).

### 3.6 Rent

- (1) Rent for any rental period ending on or before the Settlement Date belongs to the Seller and is not adjusted at settlement.
- (2) Unpaid Rent for the rental period including both the Settlement Date and the following day ("**Current Period**") is not adjusted until it is paid.
- (3) Rent already paid for the Current Period or beyond must be adjusted at settlement.
- (4) If Rent payments are reassessed after the Settlement Date for periods including the Settlement Date, any additional Rent payment from a Tenant or refund due to a Tenant must be apportioned under clauses 3.6(1), 3.6(2) and 3.6(3).
- (5) Payments under clause 3.6(4) must be made within 14 days after notification by one party to the other but only after any additional payment from a Tenant has been received.

### 3.7 Cost of Bank Cheques

If settlement is not an Electronic Settlement:

- (a) the cost of Bank Cheques payable at settlement:
  - (i) to the Seller or its mortgagee are the responsibility of the Buyer; and
  - (ii) to parties other than the Seller or its mortgagee are the responsibility of the Seller and the Seller will reimburse this cost to the Buyer as an adjustment at settlement; and
- (b) the Seller is not entitled to require payment of the Balance Purchase Price by means other than Bank Cheque without the consent of the Buyer.

## 4. CONDITIONS

### 4.1 Finance

- (1) This contract is conditional on the Buyer obtaining approval of a loan for the Finance Amount from the Financier by the Finance Date on terms satisfactory to the Buyer. The Buyer must take all reasonable steps to obtain approval.
- (2) The Buyer must give notice to the Seller that:
  - (a) approval has not been obtained by the Finance Date and the Buyer terminates this contract; or
  - (b) the finance condition has been either satisfied or waived by the Buyer.
- (3) The Seller may terminate this contract by notice to the Buyer if notice is not given under clause 4.1(2) by 5pm on the Finance Date. This is the Seller's only remedy for the Buyer's failure to give notice.

- (4) The Seller's right under clause 4.1(3) is subject to the Buyer's continuing right to give written notice to the Seller of satisfaction, termination or waiver pursuant to clause 4.1(2).

## 4.2 Building and Pest Inspection

- (1) This contract is conditional upon the Buyer obtaining a written building report from a Building Inspector and a written pest report from a Pest Inspector (which may be a single report) on the Property by the Inspection Date on terms satisfactory to the Buyer. The Buyer must take all reasonable steps to obtain the reports (subject to the right of the Buyer to elect to obtain only one of the reports).
- (2) The Buyer must give notice to the Seller that:
  - (a) a satisfactory Inspector's report under clause 4.2(1) has not been obtained by the Inspection Date and the Buyer terminates this contract. The Buyer must act reasonably; or
  - (b) clause 4.2(1) has been either satisfied or waived by the Buyer.
- (3) If the Buyer terminates this contract and the Seller asks the Buyer for a copy of the building and pest reports, the Buyer must give a copy of each report to the Seller without delay.
- (4) The Seller may terminate this contract by notice to the Buyer if notice is not given under clause 4.2(2) by 5pm on the Inspection Date. This is the Seller's only remedy for the Buyer's failure to give notice.
- (5) The Seller's right under clause 4.2(4) is subject to the Buyer's continuing right to give written notice to the Seller of satisfaction, termination or waiver pursuant to clause 4.2(2).

## 4.3 Consent to Transfer of State Lease

- (1) If the Lot sold is leasehold, this contract is conditional on the Seller obtaining any necessary consent to the transfer of the lease to the Buyer by the Settlement Date.
- (2) The Seller must apply for the consent required as soon as possible.
- (3) The Buyer must do everything reasonably required to help obtain this consent.

*[Note: If clause 12.3 or 13.3 applies, the contract is also conditional on the Buyer's satisfaction with the Body Corporate's records]*

## 5. SETTLEMENT

### 5.1 Time and Date

Settlement must occur by 4pm AEST on the Settlement Date.

### 5.2 Electronic Settlement

- (1) Settlement must be effected by Electronic Settlement unless the form of transfer under the *Land Title Act 1994* required to transfer title in the Lot to the Buyer is not a required instrument to which section 5(1) of the *Land Title Regulation 2022* applies other than as a result of section 5(2)(a)(ii).
- (2) If settlement is to be effected by Electronic Settlement:
  - (a) the Seller must nominate the ELNO System to be used for the Electronic Settlement. Despite clause 11.3(9), the Seller may nominate the ELNO System by sending or accepting an invitation to an Electronic Workspace in an ELNO System;
  - (b) clause 5.2(2)(a) does not prevent the Buyer using an ELNO System which is interoperable with the ELNO System nominated by the Seller;
  - (c) the parties must:
    - (i) ensure that the Electronic Workspace is completed and all Electronic Conveyancing Documents and the Financial Settlement Schedule are Digitally Signed prior to settlement; and

- (ii) do everything else required in the Electronic Workspace or otherwise to enable settlement to occur on the Settlement Date;
- (d) if the parties cannot agree on a time for settlement, the time to be nominated in the Electronic Workspace is 4pm AEST;
- (e) if any part of the Purchase Price is to be paid to discharge an Outgoing:
  - (i) the Buyer may, by notice in writing to the Seller, require that the amount is paid to the Buyer's Solicitor's trust account and the Buyer is responsible for paying the amount to the relevant authority;
  - (ii) for amounts to be paid to destination accounts other than the Buyer's Solicitor's trust account, the Seller must give the Buyer a copy of the current account for the Outgoing to enable the Buyer to verify the destination account details in the Financial Settlement Schedule;
- (f) if the Deposit is required to discharge any Encumbrance or pay an Outgoing at settlement:
  - (i) the Deposit Holder must, if directed by the Seller at least 2 Business Days before settlement, pay the Deposit (and any interest accrued on investment of the Deposit) less commission as clear funds to the Seller's Solicitor;
  - (ii) the Buyer and the Seller authorise the Deposit Holder to make the payment in clause 5.2(2)(f)(i);
  - (iii) the Seller's Solicitor will hold the money as Deposit Holder under the Contract;
  - (iv) the Seller and Buyer authorise the Seller's Solicitor to pay the money as directed by the Seller in accordance with the Financial Settlement Schedule;
- (g) each party must pay its own fees and charges of using the relevant ELNO System for Electronic Settlement;
- (h) a party is not in default to the extent it is prevented from complying with an obligation because the other party or the other party's Financial Institution has done or not done something in the Electronic Workspace (for example, failing to complete details necessary to enable the other party to complete or sign the Electronic Workspace);
- (i) any rights under the contract or at law to terminate the contract may not be exercised during the time the Electronic Workspace is locked for Electronic Settlement; and
- (j) Electronic Settlement is taken to occur when Financial Settlement is effected, whether or not Electronic Lodgement has occurred.

### 5.3 Place for Settlement

- (1) An Electronic Settlement will be deemed to take place in the Place for Settlement.
- (2) If the settlement is not an Electronic Settlement, subject to clause 5.3(3), settlement must be effected in the Place for Settlement at the office of a solicitor, Financial Institution or settlement agent nominated by the Seller.
- (3) If the Seller has not nominated an office under clause 5.3(2) or the parties have not otherwise agreed where settlement is to occur by 5pm on the date 2 Business Days before the Settlement Date, section 76(2)(b) of the *Property Law Act 2023* applies.

#### 5.4 Transfer Documents

If the settlement is not an Electronic Settlement:

- (a) the Transfer Documents must be prepared by the Buyer and delivered to the Seller a reasonable time before the Settlement Date; and
- (b) if the Buyer pays the Seller's reasonable expenses, it may require the Seller to produce the Transfer Documents at the Queensland Revenue Office nearest the Place for Settlement for stamping before settlement.

#### 5.5 Documents and Keys at Settlement

- (1) In exchange for payment of the Balance Purchase Price and the documents to be provided by the Buyer under clause 12.6 or 13.6 (if applicable), the Seller must deliver to the Buyer at settlement:
  - (a) unstamped Transfer Documents capable of immediate registration after stamping; and
  - (b) any instrument necessary to release any Encumbrance over the Property in compliance with the Seller's obligation in clause 7.2; and
  - (c) if requested by the Buyer not less than 2 Business Days before the Settlement Date, the Keys; and
  - (d) if there are Tenancies:
    - (i) the Seller's copy of any Tenancy agreements;
    - (ii) a notice to each Tenant advising of the sale in the form required by law; and
    - (iii) any notice required by law to transfer to the Buyer the Seller's interest in any Bond; and
  - (e) if the Property has been subject to a Residential Tenancy Agreement or Rooming Accommodation Agreement at any time within the period of 12 months before the Contract Date:
    - (i) for any Tenancies, evidence of the day of the last rent increase for each part of the Property before those Tenancies were entered into; and
    - (ii) for any part of the Property not subject to a Tenancy at settlement, evidence of the day of the last rent increase for that part of the Property, sufficient to satisfy section 93A or 105C of the RTRA Act; and
  - (f) a copy of a current Pool Compliance Certificate for each regulated pool on the Lot unless:
    - (i) the Seller has given the Buyer a current (at the time it was given) Pool Compliance Certificate before settlement; or
    - (ii) the Seller has given the Buyer a notice under section 28 of the *Building Regulation 2021* (Notice of No Pool Safety Certificate) before entry into this contract; and
  - (g) if clause 10.8 applies, a Tax Invoice.
- (2) If the Keys are not required to be delivered at Settlement under clause 5.5(1)(c), the Seller must deliver the Keys to the Buyer on or before settlement. The Seller may discharge its obligation under this provision by authorising the Seller's Agent to release the Keys to the Buyer.
- (3) For an Electronic Settlement, the Seller will be taken to have complied with clause 5.5(1) if:
  - (a) in relation to documents which are suitable for Electronic Lodgement in the Land Registry at settlement, the documents are Digitally Signed within the Electronic Workspace; and

- (b) in relation to any other document or thing, the Seller's Solicitor:
  - (i) confirms in writing prior to settlement that it holds all relevant documents which are not suitable for Electronic Lodgement and all Keys (if requested under clause 5.5(1)(c)) in escrow on the terms contained in the QLS E-Conveyancing Guidelines; and
  - (ii) gives a written undertaking to send the documents and Keys (if applicable) to the Buyer or Buyer's Solicitor no later than 2 Business Days after settlement; and
  - (iii) if requested by the Buyer, provides copies of documents in the Seller's Solicitor's possession.

#### 5.6 Assignment of Covenants and Warranties

At settlement, the Seller assigns to the Buyer the benefit of all:

- (1) covenants by the Tenants under the Tenancies;
- (2) guarantees and Bonds (subject to the requirements of the RTRA Act) supporting the Tenancies;
- (3) manufacturer's warranties regarding the Included Chattels; and
- (4) builders' warranties on the Improvements, to the extent they are assignable. However, the right to recover arrears of Rent is not assigned to the Buyer and section 140 of the *Property Law Act 2023* does not apply.

#### 5.7 Possession of Property

On the Settlement Date, in exchange for the Balance Purchase Price, the Seller must give the Buyer vacant possession of the Lot and the Improvements except for the Tenancies.

#### 5.8 Title to Included Chattels

Title to the Included Chattels passes at settlement.

#### 5.9 Removal of Reserved Items

- (1) The Seller must remove the Reserved Items from the Property before settlement.
- (2) The Seller must repair at its expense any damage done to the Property in removing the Reserved Items. If the Seller fails to do so, the Buyer may repair that damage.
- (3) Any Reserved Items not removed before settlement will be considered abandoned and the Buyer may, without limiting its other rights, complete this contract and appropriate those Reserved Items or dispose of them in any way.
- (4) The Seller indemnifies the Buyer against any damages and expenses resulting from the Buyer's actions under clauses 5.9(2) or 5.9(3).

### 6. TIME

#### 6.1 Time of the Essence

Time is of the essence of this contract, except regarding any agreement between the parties on a time of day for settlement before 4pm.

#### 6.2 Extension of Settlement Date

- (1) Despite clause 6.1, either party may, at any time up to 4pm on the Settlement Date, extend the Settlement Date by giving a notice under this clause (an "**Extension Notice**") nominating a new date for settlement which must be no later than 5 Business Days after the Scheduled Settlement Date.
- (2) The Settlement Date will be the date specified in the Extension Notice and time is of the essence in respect of this date.



- (3) More than one Extension Notice may be given under clause 6.2(1) but the new date for settlement nominated in an Extension Notice may not be a date later than 5 Business Days after the Scheduled Settlement Date.
- (4) In this clause 6.2, "**Scheduled Settlement Date**" means the Settlement Date specified in the Reference Schedule as extended:
  - (a) under section 79, 80 or 81 of the *Property Law Act 2023*;
  - (b) under clause 6.3; or
  - (c) by agreement of the parties, but excluding any extension of the Settlement Date as a result of the operation of this clause 6.2.

### 6.3 Extension of Settlement Date – Late Unsigning

- If:
- (a) the Settlement is an Electronic Settlement;
  - (b) the unsigning of a party to the Electronic Workspace occurs between 3pm and 4pm on the Settlement Date due to a change made to the Electronic Workspace by another party to the Electronic Workspace;
  - (c) any party to the Electronic Workspace has not re-signed the Workspace by 4pm; and
  - (d) the Settlement Date has not previously been extended under this clause 6.3,

the Settlement Date will be automatically extended to the following Business Day, unless otherwise agreed by the Buyer and Seller and time is of the essence in respect of this date.

## 7. MATTERS AFFECTING THE PROPERTY

### 7.1 Title

The Lot is sold subject to:

- (a) any reservations or conditions on the title or the original Deed of Grant (if freehold); or
- (b) the Conditions of the State Lease (if leasehold).

### 7.2 Encumbrances

The Property is sold free of all Encumbrances other than the Title Encumbrances and Tenancies.

### 7.3 Requisitions

The Buyer may not deliver any requisitions or enquiries on title.

### 7.4 Seller's Warranties

- (1) Subject to clause 7.8, the Seller warrants that, at the Contract Date:
  - (a) there is no outstanding enforcement notice under section 248 of the *Building Act 1975* or section 168 of the *Planning Act 2016* that affects the Property;
  - (b) there is no outstanding show cause notice under section 246AG(1) or 247 of the *Building Act 1975* or section 167 of the *Planning Act 2016* that affects the Property;
  - (c) the Seller has not received any other communication from a competent authority that may lead to the issue of a notice referred to in clause 7.4(1)(a), 7.4(1)(b) or an Enforcement Notice;
  - (d) there are no current or threatened claims or proceedings which may lead to a Court order or writ of execution affecting the Property;
  - (e) there is no outstanding obligation on the Seller to give notice to the administering authority under the *Environmental Protection Act 1994* of a notifiable activity being conducted on the Lot; and

- (f) the Seller is not aware of any facts or circumstances that may lead to the Lot being classified as contaminated land within the meaning of the *Environmental Protection Act 1994*.

- (2) Subject to clause 7.8, the Seller warrants that, at settlement:

- (a) if the Lot is freehold: it will be the registered owner of an estate in fee simple in the Lot and will own the rest of the Property;
- (b) if the Lot is leasehold: it will be the registered lessee, the lease is not liable to forfeiture because of default under the lease, and it will own the rest of the Property;
- (c) it will be capable of completing this contract (unless the Seller dies or becomes mentally incapable after the Contract Date); and
- (d) there will be no unsatisfied Court order or writ of execution affecting the Property.

- (3) Subject to clause 7.8, if the Seller breaches a warranty in clause 7.4(1) or 7.4(2), without limiting any other remedy, the Buyer may terminate this contract by notice to the Seller given before settlement.

- (4) The Seller warrants that:

- (a) the statements made by the Seller in the Reference Schedule under Residential Tenancy Agreements and Rooming Accommodation Agreements are true and correct; and
- (b) if there are Tenancies, the current rent complies with the requirements of sections 91 and 93 of the RTRA Act, as those sections applied on the date of each Tenancy.

- (5) If the Seller's warranty in clause 7.4(4) is incorrect, the Buyer's only remedy against the Seller is for compensation. The Buyer may not delay settlement or withhold any part of the Balance Purchase Price because of any compensation claim under clause 7.4(5).

- (6) The Seller does not warrant that the Present Use is lawful.

### 7.5 Survey and Mistake

- (1) The Buyer may survey the Lot.

- (2) If:
  - (a) there is an error in the boundaries or area of the Lot;
  - (b) there is an encroachment by structures onto or from the Lot;
  - (c) there are Services that pass through the Lot which do not service the Lot and are not protected by any Encumbrance to which this sale is subject; or
  - (d) there is a mistake or omission in this contract in describing the Property or the Seller's title to it, which is material, the Buyer may terminate this contract by notice to the Seller given before settlement.

- (3) If a matter referred to in clause 7.5(2) is:

- (a) immaterial; or
- (b) material, but the Buyer elects to complete this contract,

the Buyer's only remedy against the Seller is for compensation, but only if claimed by the Buyer in writing on or before settlement.

- (4) The Buyer may not delay settlement or withhold any part of the Balance Purchase Price because of any compensation claim under clause 7.5(3).



## 7.6 Requirements of Authorities

- (1) Any Enforcement Notice issued before the Contract Date must be fully complied with by the Seller before the Settlement Date unless details of the Enforcement Notice were disclosed to the Buyer in accordance with clause 7.8.
- (2) If the Seller fails to comply with clause 7.6(1), the Buyer is entitled to claim the reasonable cost of complying with the Enforcement Notice from the Seller after settlement as a debt.
- (3) The Buyer must comply with any Enforcement Notice:
  - (a) issued on or after the Contract Date; or
  - (b) issued before the Contract Date if details of the Enforcement Notice were disclosed to the Buyer in accordance with clause 7.8.
- (4) However, if any Enforcement Notice referred to in clause 7.6(3) is required to be complied with before the Settlement Date:
  - (a) the Seller must comply with the Enforcement Notice; and
  - (b) at settlement, the Buyer must pay the reasonable costs incurred by the Seller in doing so,unless the Buyer directs the Seller not to and indemnifies the Seller against any liability incurred for failure to comply with the Enforcement Notice.
- (5) Nothing in this clause 7.6 limits any claim for a breach of the Seller's warranties in clauses 7.4(1)(a), (b) and (c).

## 7.7 Property Adversely Affected

- (1) Subject to clause 7.8, if at the Contract Date:
  - (a) the Present Use is not lawful under the relevant planning scheme;
  - (b) the Lot is affected by a proposal of any competent authority to alter the dimensions of any Transport Infrastructure or locate Transport Infrastructure on the Lot;
  - (c) access to the Lot passes unlawfully through other land;
  - (d) any Services to the Lot which pass through other land are not protected by a registered easement, building management statement or by statutory authority;
  - (e) any competent authority has issued a current notice of intention to resume, regarding any part of the Lot;
  - (f) there is an outstanding condition of a development approval attaching to the Lot under section 73 of the *Planning Act 2016* or section 96 of the *Economic Development Queensland Act 2012* which, if complied with, would constitute a material mistake or omission in the Seller's title under clause 7.5(2)(d);
  - (g) the Property is affected by the *Queensland Heritage Act 1992* or is included in the World Heritage List; or
  - (h) the Property is declared acquisition land under the *Queensland Reconstruction Authority Act 2011*,the Buyer may terminate this contract by notice to the Seller given before settlement.
- (2) If the Buyer settles this contract, the Buyer will be treated as having accepted the Property subject to all of the matters referred to in clause 7.7(1).

## 7.8 Effect of Pre-Contract Disclosure

- (1) Clauses 7.4(1), 7.4(2), 7.5, 7.6(1) and 7.7 do not apply to the extent that any relevant fact or circumstance has been disclosed by the Seller to the Buyer:
  - (a) in this contract; or
  - (b) in the Seller Disclosure Statement; or
  - (c) otherwise in writing before the Buyer signed this contract.
- (2) If the Seller is required to comply with section 99 of the *Property Law Act 2023* in relation to this contract:
  - (a) the Buyer may not terminate the contract under clause 7.4(3) for a breach of the Seller's warranties in clauses 7.4(1)(a) and 7.4(1)(b); and
  - (b) clauses 7.7(1)(e) and (g) do not apply.

*[Note in this case the Buyer's rights are governed by section 104 of the Property Law Act 2023]*

## 7.9 Compliant Smoke Alarms

- (1) The Seller must install smoke alarms in any domestic dwelling on or comprising the Lot in accordance with the Smoke Alarm Requirement Provision by the Settlement Date.
- (2) If the Seller fails to comply with clause 7.9(1), the Buyer is entitled to an adjustment at settlement equal to 0.15% of the Purchase Price but only if claimed by the Buyer in writing on or before settlement. This is the Buyers only remedy for non-compliance with clause 7.9(1).
- (3) Nothing in this clause requires the Seller to provide evidence of compliance with clause 7.9(1).

## 7.10 Dividing Fences

Notwithstanding any provision in the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*, the Seller need not contribute to the cost of building any dividing fence between the Lot and any adjoining land owned by it. The Buyer waives any right to claim contribution from the Seller.

## 7.11 Authority for Buyer's Searches

The Seller authorises the Buyer to inspect records held by any authority, including Security Interests on the PPSR, relating to the Property.

## 8. RIGHTS AND OBLIGATIONS UNTIL SETTLEMENT

### 8.1 Risk

The Property is at the Buyer's risk from 5pm on the first Business Day after the Contract Date.

### 8.2 Access

After reasonable notice to the Seller, the Buyer and its consultants may enter the Property:

- (1) once to read any meter;
- (2) for inspections under clause 4.2;
- (3) once to value the Property;
- (4) once to carry out an inspection for smoke alarms installed in any domestic dwelling on or comprising the Lot; and
- (5) once to inspect the Property before settlement.

### 8.3 Seller's Obligations After Contract Date

- (1) The Seller must use the Property reasonably until settlement. The Seller must not do anything regarding the Property or Tenancies that may significantly alter them or result in later expense for the Buyer.
- (2) The Seller must promptly upon receiving any notice, proceeding or order that affects the Property or requires work or expenditure on the Property, give a copy to the Buyer.

- (3) Without limiting clause 8.3(1), the Seller must not without the prior written consent of the Buyer, give any notice or seek or consent to any order that affects the Property or make any agreement affecting the Property that binds the Buyer.

#### 8.4 Information Regarding the Property

Upon written request of the Buyer but in any event before settlement, the Seller must give the Buyer:

- (1) copies of all documents relating to any unregistered interests in the Property;
- (2) full details of the Tenancies to allow the Buyer to properly manage the Property after settlement, including the following documents if requested by the Buyer at least 7 days before settlement and provided the documents are in the Seller's possession:
  - (a) the entry condition report;
  - (b) the most recent routine inspection report;
  - (c) the RTA Form 2 Bond Lodgement form; and
  - (d) the current Tenant's tenancy application;
- (3) sufficient details (including the date of birth of each Seller who is an individual) to enable the Buyer to undertake a search of the PPSR;
- (4) the Local Government rate account number for the Lot; and
- (5) further copies or details if those previously given cease to be complete and accurate.

#### 8.5 Possession Before Settlement

If possession is given before settlement:

- (1) the Buyer must maintain the Property in substantially its condition at the date of possession, fair wear and tear excepted;
- (2) entry into possession is under a licence personal to the Buyer revocable at any time and does not:
  - (a) create a relationship of landlord and tenant; or
  - (b) waive the Buyer's rights under this contract;
- (3) the Buyer must insure the Property to the Seller's satisfaction; and
- (4) the Buyer indemnifies the Seller against any expense or damages incurred by the Seller as a result of the Buyer's possession of the Property.

### 9. PARTIES' DEFAULT

#### 9.1 Seller and Buyer May Affirm or Terminate

- (1) If the Seller or Buyer, as the case may be, fails to comply with an Essential Term, or makes a fundamental breach of an intermediate term, the Seller (in the case of the Buyer's default) or the Buyer (in the case of the Seller's default) may affirm or terminate this contract under this clause.
- (2) Clause 9.1 does not limit any other right or remedy of the parties including those under this Contract or any right at law or in equity.

#### 9.2 If Seller Affirms

If the Seller affirms this contract under clause 9.1, it may sue the Buyer for:

- (1) damages;
- (2) specific performance; or
- (3) damages and specific performance.

#### 9.3 If Buyer Affirms

If the Buyer affirms this contract under clause 9.1, it may sue the Seller for:

- (1) damages;
- (2) specific performance; or
- (3) damages and specific performance.

#### 9.4 If Seller Terminates

If the Seller terminates this contract under clause 9.1, it may do all or any of the following:

- (1) resume possession of the Property;
- (2) forfeit the Deposit and any interest earned;
- (3) sue the Buyer for damages;
- (4) resell the Property.

#### 9.5 If Buyer Terminates

If the Buyer terminates this contract under clause 9.1, it may do all or any of the following:

- (1) recover the Deposit and any interest earned;
- (2) sue the Seller for damages.

#### 9.6 Seller's Resale

- (1) If the Seller terminates this contract and resells the Property, the Seller may recover from the Buyer as liquidated damages:
  - (a) any deficiency in price on a resale; and
  - (b) its expenses connected with any repossession, any failed attempt to resell, and the resale, provided the resale settles within 2 years of termination of this contract.
- (2) Any profit on a resale belongs to the Seller.

#### 9.7 Seller's Damages

The Seller may claim damages for any loss it suffers as a result of the Buyer's default, including its legal costs on an indemnity basis.

#### 9.8 Buyer's Damages

The Buyer may claim damages for any loss it suffers as a result of the Seller's default, including its legal costs on an indemnity basis.

#### 9.9 Interest on Late Payments

- (1) The Buyer must pay interest at the Default Interest Rate:
  - (a) on any amount payable under this contract which is not paid when due; and
  - (b) on any judgement for money payable under this contract.
- (2) Interest continues to accrue:
  - (a) under clause 9.9(1)(a), from the date it is due until paid; and
  - (b) under clause 9.9(1)(b), from the date of judgement until paid.
- (3) Any amount payable under clause 9.9(1)(a) in respect of a period prior to settlement must be paid by the Buyer at settlement. If this contract is terminated or if any amount remains unpaid after settlement, interest continues to accrue.
- (4) Nothing in this clause affects any other rights of the Seller under this contract or at law.

### 10. GST

#### 10.1 Definitions

- (1) Words and phrases defined in the GST Act have the same meaning in this contract unless the context indicates otherwise.
- (2) A reference to a party paying an amount of GST, or receiving an Input Tax Credit, includes that amount being paid or received by its Representative Member, Joint Venture Operator or other similar person.

#### 10.2 No GST is payable or Purchase Price includes GST

If the GST section of the Reference Schedule specifies that *No GST is payable or Purchase Price includes GST* or is not completed, this clause 10.2 applies and the Buyer is not obliged to pay any additional amount to the Seller on account of GST on the Supply of the Property.

### 10.3 Purchase Price Does Not Include GST

If the GST section of the Reference Schedule specifies that *the Buyer must pay GST in addition to the Purchase Price*, this clause 10.3 applies and the Buyer must on the Settlement Date pay to the Seller in addition to the Purchase Price an amount equivalent to the amount payable by the Seller as GST on the Supply of the Property.

### 10.4 Margin Scheme

If the GST section of the Reference Schedule specifies *Margin Scheme* this clause 10.4 applies and:

- (1) the Purchase Price includes the Seller's liability for GST on the Supply of the Property. The Buyer is not obliged to pay any additional amount to the Seller on account of GST on the Supply of the Property.
- (2) the Seller:
  - (a) must apply the Margin Scheme to the Supply of the Property; and
  - (b) warrants that the Margin Scheme is able to be applied;
- (3) if the Seller breaches clause 10.4(2)(a) or its warranty under clause 10.4(2)(b) then:
  - (a) the Buyer may terminate this contract if it becomes aware of the breach prior to the Settlement Date;
  - (b) if the Buyer does not terminate this contract under clause 10.4(3)(a) or does not become aware of the breach until after the Settlement Date, it must pay to the Seller an amount equal to the Input Tax Credit which the Buyer will receive for GST payable for the Supply of the Property. Payment must be made when the Buyer receives the benefit of the Input Tax Credit;
  - (c) the Buyer is entitled to compensation from the Seller for any loss incurred as a result of the breach of clause 10.4(2).

### 10.5 Going Concern

If the GST section of the Reference Schedule specifies *Going Concern* this clause 10.5 applies and:

- (1) the Purchase Price does not include any amount for GST;
- (2) the parties agree the Supply of the Property is a Supply (or part of a Supply) of a Going Concern;
- (3) the Seller warrants that:
  - (a) between the Contract Date and the Settlement Date the Seller will carry on the Enterprise; and
  - (b) the Property (together with any other things that must be provided by the Seller to the Buyer at the Settlement Date under a related agreement for the same Supply) is all of the things necessary for the continued operation of the Enterprise;
- (4) the Buyer warrants that at the Settlement Date it is Registered or Required to be Registered under the GST Act;
- (5) if either of the warranties in clause 10.5(3) is breached:
  - (a) the Buyer may terminate this contract if it becomes aware of the breach prior to the Settlement Date;
  - (b) if the Buyer does not terminate this contract then, at the Settlement Date, the Buyer must pay to the Seller the amount payable by the Seller as GST on the Supply of the Property;

- (c) if the Buyer does not become aware of the breach until after the Settlement Date, it must pay to the Seller an amount equal to the Input Tax Credit which the Buyer will receive for GST payable in respect of the Supply of the Property. Payment must be made when the Buyer receives the benefit of the Input Tax Credit;
  - (d) the Buyer is entitled to compensation from the Seller for any loss incurred as a result of the breach of the warranty;
- (6) if the warranty in clause 10.5(4) is not correct the Buyer must pay to the Seller an amount equal to the GST payable in respect of the Supply of the Property, including any interest and penalties payable by the Seller in respect of this Supply. Payment must be made at the Settlement Date or, if settlement has occurred, immediately upon receipt of a Tax Invoice in accordance with clause 10.8;
- (7) if for any reason other than a breach of a warranty by the Seller or the Buyer this transaction is not a Supply of a Going Concern, the Buyer must pay to the Seller the amount payable by the Seller as GST on the Supply of the Property. Payment must be made at the Settlement Date or, if settlement has occurred, immediately upon receipt of a Tax Invoice in accordance with clause 10.8.

### 10.6 Farm Land

If the GST section of the Reference Schedule specifies *Farm Land* this clause 10.6 applies and:

- (1) the Purchase Price does not include any amount for GST;
- (2) the parties agree the Supply of the Property is a Supply (or part of a Supply) of farm land for farming;
- (3) the Seller warrants that:
  - (a) a Farming Business has been carried on the Property for at least five years preceding the day of the Supply; and
  - (b) the Farming Business will continue until the day of the Supply.
- (4) the Buyer warrants that it intends to carry on a Farming Business on the Property;
- (5) if either of the warranties in clause 10.6(3) is breached:
  - (a) the Buyer may terminate this contract if it becomes aware of the breach prior to the Settlement Date;
  - (b) if the Buyer does not terminate this contract then, at the Settlement Date, the Buyer must pay to the Seller the amount payable by the Seller as GST on the Supply of the Property;
  - (c) if the Buyer does not become aware of the breach until after the Settlement Date, it must pay to the Seller an amount equal to the Input Tax Credit which the Buyer will receive for GST payable in respect of the Supply of the Property. Payment must be made when the Buyer receives the benefit of the Input Tax Credit;
  - (d) the Buyer is entitled to compensation from the Seller for any loss incurred as a result of the breach of the warranty;
- (6) if the warranty in clause 10.6(4) is not correct the Buyer must pay to the Seller an amount equal to the GST payable in respect of the Supply of the Property, including any interest and payables payable by the Seller in respect of this Supply. Payment must be made at the Settlement Date or, if settlement has occurred, immediately upon receipt of a Tax Invoice in accordance with clause 10.8;



- (7) if for any reason other than a breach of a warranty by the Seller or the Buyer this transaction is not a Supply of farm land for farming, the Buyer must pay to the Seller the amount payable by the Seller as GST on the Supply of the Property. Payment must be made at the Settlement Date or, if settlement has occurred, immediately upon receipt of a Tax Invoice in accordance with clause 10.8.

## 10.7 Adjustments

- (1) Where this contract requires an adjustment or apportionment of Outgoings or Rent, that adjustment or apportionment must be made to:
  - (a) the amount of the Outgoing, exclusive of any GST for which an Input Tax Credit may be claimed; and
  - (b) the amount of Rent or profit excluding an amount of GST which must be paid to the Australian Taxation Office.
- (2) The GST payable under clause 10.3 is correspondingly increased or decreased by any subsequent adjustment to the amount of GST for the Supply for which the Supplier is liable, however caused.

## 10.8 Tax Invoice

Where GST is payable on the Supply of the Property, the Seller must give to the Buyer a Tax Invoice at the Settlement Date or on any later date on which the Buyer is required to pay GST under clause 10.5 or 10.6.

## 10.9 Remedies

The remedies provided in clauses 10.4(3), 10.5(5), 10.5(6), 10.6(5) and 10.6(6) are in addition to any other remedies available to the aggrieved party.

# 11. GENERAL

## 11.1 Foreign Buyer Approval

The Buyer warrants that either:

- (a) the Buyer's purchase of the Property is not a notifiable action; or
- (b) the Buyer has received a no objection notification, under the *Foreign Acquisitions and Takeovers Act 1975*.

## 11.2 Duty

The Buyer must pay all duty on this contract.

## 11.3 Notices

- (1) Notices under this contract must be in writing.
- (2) Notices under this contract or notices required to be given by law may be given and received by the party's solicitor.
- (3) Notices under this contract or notices required to be given by law may be given by:
  - (a) delivering or posting to the other party or its solicitor; or
  - (b) sending it to the email address of the other party or its solicitor stated in the Reference Schedule (or another email address notified by the recipient to the sender).
- (4) Subject to clause 11.3(5), a notice given after this contract is entered into in accordance with clause 11.3(3) will be treated as given:
  - (a) 5 Business Days after posting; or
  - (b) if sent by email, at the time it is sent.
- (5) Notices given by personal delivery or by email between 5pm on a Business Day (the "first Business Day") and 9am on the next Business Day (the "second Business Day") will be treated as given or delivered at 9am on the second Business Day.
- (6) If two or more notices are treated as given at the same time under clause 11.3(5), they will be treated as given in the order in which they were sent or delivered.

- (7) Notices or other written communications by a party's solicitor (for example, varying the Inspection Date, Finance Date or Settlement Date) will be treated as given with that party's authority.
- (8) Subject to the requirements of any law, for the purposes of clause 11.3(3)(b) and clause 11.5 the notice or information may be contained within an email, as an attachment to an email or located in an electronic repository accessible by the recipient by clicking a link in an email.
- (9) A communication given using a messaging system in an ELNO System is not a notice for the purpose of this contract.

## 11.4 Electronic Signing

If this contract is signed by any person using an Electronic Signature, the Buyer and the Seller:

- (a) agree to enter into this contract in electronic form; and
- (b) consent to either or both parties signing the contract using an Electronic Signature.

## 11.5 Pre-contract Disclosure

The Buyer consents to the Seller's use of electronic communication to give any notice or information required by law to be given to the Buyer (including a Seller Disclosure Statement) which was given before the Buyer signed this contract.

## 11.6 Business Days

- (1) If the Settlement Date, Finance Date or Inspection Date fall on a day that is not a Business Day, then it falls on the next Business Day.
- (2) If anything else (other than payment of all or part of the Deposit) is required to be done on a day that is not a Business Day, it must be done instead on the next Business Day.

## 11.7 Rights After Settlement

Despite settlement and registration of the transfer, any term of this contract that can take effect after settlement or registration remains in force.

## 11.8 Further Acts

If requested by the other party, each party must, at its own expense, do everything reasonably necessary to give effect to this contract.

## 11.9 Severance

If any term or part of a term of this contract is or becomes legally ineffective, invalid or unenforceable in any jurisdiction it will be severed and the effectiveness, validity or enforceability of the remainder will not be affected.

## 11.10 Interpretation

### (1) Plurals and Genders

Reference to:

- (a) the singular includes the plural and the plural includes the singular;
- (b) one gender includes each other gender;
- (c) a person includes a body corporate; and
- (d) a party includes the party's executors, administrators, successors and permitted assigns.

### (2) Parties

- (a) If a party consists of more than one person, this contract binds them jointly and each of them individually.
- (b) A party that is a trustee is bound both personally and in its capacity as a trustee.

### (3) Acts and Regulations

Reference to an Act, regulation or statutory form includes all amendments, consolidations or replacements of them.

(4) **Inconsistencies**

If there is any inconsistency between any provision added to this contract and the printed provisions, the added provision prevails.

(5) **Headings**

Headings are for convenience only and do not form part of this contract or affect its interpretation.

(6) **Calculating Time**

If anything is permitted or required to be done:

- (a) a number of days or Business Days before a specified date, the date by which that thing may or must be done is to be calculated excluding the specified date;

Example: if the Settlement Date falls on a Friday, 2 days before the Settlement Date is Wednesday.

- (b) "at least" a number of days or Business Days before a specified date or a clear number of days or Business Days before a specified date, the date by which that thing may or must be done is to be calculated excluding the specified date and excluding the day on which the thing may or must be done;

Example: if the Settlement Date falls on a Friday, at least 2 days before the Settlement Date or 2 clear days before the Settlement Date is Tuesday.

- (c) a number of days or Business Days after a specified date, the date by which that thing may or must be done is to be calculated excluding the specified date.

Example: if the Contract Date falls on a Monday, 2 days after the Contract Date is Wednesday.

**11.11 Counterparts**

- (1) This contract may be executed in two or more counterparts, all of which will together be deemed to constitute one and the same contract.
- (2) A counterpart may be electronic and signed using an Electronic Signature.

**12. ADDITIONAL PROVISIONS FOR COMMUNITY TITLE LOTS**

**12.1 When clause applies**

This clause 12 applies if the Lot is a lot in a community titles scheme under the *Body Corporate and Community Management Act 1997*.

**12.2 Additional Definitions**

- (1) The following additional definitions apply:

- (a) "**Body Corporate**" means the body corporate of the Scheme.
- (b) "**Body Corporate Debt**" has the meaning in the Regulation Module but excludes the Body Corporate Levies for the period which includes the Settlement Date;
- (c) "**Body Corporate Levies**" means regular periodic contributions levied on the owner of the Lot (including, if applicable, levied under an exclusive use by-law) excluding any Special Contribution;
- (d) "**Exclusive Use Area**" means part of the common property for the Scheme allocated to the Lot under an exclusive use by-law;
- (e) "**Principal Body Corporate**" means, where the Scheme is a subsidiary scheme in a layered arrangement of community titles schemes, the body corporate for each higher scheme;
- (f) "**Scheme**" means the community titles scheme containing the Lot;
- (g) "**Scheme Land**" means the scheme land (as defined in the *Body Corporate and Community Management Act 1997*) for the Scheme;

- (h) "**Special Contribution**" means an amount levied by the Body Corporate on the owner of the Lot under the Regulation Module for a liability for which no provision or inadequate provision has been made in the budget of the Body Corporate;

- (i) "**Regulation Module**" means the regulation module for the Scheme.

- (2) The following definitions in clause 1.1 are modified as stated:

- (a) "**Outgoings**" also includes Body Corporate Levies;
- (b) "**Property**" also includes the right to any Exclusive Use Areas except in clause 7.4(2)(a);
- (c) "**Reserved Items**" also includes all chattels in the Exclusive Use Areas which are not Included Chattels.

- (3) For clauses 3.5(1)(c)(i) and 3.5(7) the references to "authority" include the Body Corporate.

- (4) Words and phrases defined in the *Body Corporate and Community Management Act 1997* have the same meaning in clause 12 unless the context indicates otherwise.

**12.3 Body Corporate Records Inspection**

- (1) This contract is conditional upon the Buyer being satisfied that it will not be materially prejudiced by any circumstances discovered on an inspection of the Body Corporate's records by the Records Inspection Date. The Buyer must take all reasonable steps to inspect the records.
- (2) The Buyer must give notice to the Seller that:
- (a) the Buyer:
- (i) despite taking all reasonable steps has been unable to inspect the Body Corporate's records by the Records Inspection Date; or
- (ii) is not satisfied with its inspection in accordance with 12.3(1), and the Buyer terminates this contract; or
- (b) clause 12.3(1) has been either satisfied or waived by the Buyer.
- (3) If the Buyer terminates this contract and the Seller asks the Buyer for further details the Buyer must give written reasons to the Seller without delay.
- (4) The Seller may terminate this contract by notice to the Buyer if notice is not given under clause 12.3(2) by 5pm on the Records Inspection Date. This is the Seller's only remedy for the Buyer's failure to give notice.
- (5) The Seller's right under clause 12.3(4) is subject to the Buyer's continuing right to give written notice to the Seller of satisfaction, termination or waiver pursuant to clause 12.3(2).

**12.4 Adjustment of Land Tax**

- (1) For clause 3.5(4), the Site Value of the Lot will be calculated in accordance with section 29 of the *Land Tax Act 2010*.
- (2) If there is no separate Site Value for the Scheme Land, clause 3.5(5) applies as if each reference to the Lot was a reference to the Scheme Land.

**12.5 Body Corporate Debts**

- (1) The Seller is liable for:
- (a) any Special Contribution for which a levy notice has been issued on or before the Contract Date; and
- (b) any other Body Corporate Debt (including any penalty or recovery cost resulting from non-payment of a Body Corporate Debt) owing in respect of the Lot at settlement.

- (2) The Buyer is liable for any Special Contribution levied after the Contract Date.
- (3) If an amount payable by the Seller under clause 12.5(1) is unpaid at the Settlement Date:
  - (a) for an Electronic Settlement, at settlement the Financial Settlement Schedule must specify payment of the relevant amount to the Body Corporate;
  - (b) otherwise, the Buyer may deduct the relevant amount from the Balance Purchase Price at settlement and must pay it promptly to the Body Corporate.
- (4) For the purposes of clause 12.5(1), an amount payable under an exclusive use by-law will be treated as levied on the date it is due.

#### 12.6 Notice of purchase to Body Corporate

- (1) The Buyer must:
  - (a) complete and sign a *BCCM Form 8 Information for body corporate roll ("Form 8")* and provide a copy to the Seller on or before settlement; and
  - (b) provide the Form 8 to the Body Corporate promptly after settlement.
- (2) If the Buyer fails to comply with clause 12.6(1)(b), the Buyer authorises the Seller to provide the copy of the Form 8 to the Body Corporate.

#### 12.7 Title

For clause 7.1, the Lot is also sold subject to the *Body Corporate and Community Management Act 1997*, the by-laws of the Body Corporate and, if the Scheme is a subsidiary scheme, the by-laws of each body corporate which apply to the Scheme.

#### 12.8 Encumbrances

For clause 7.2, the Property is also sold subject to the statutory easements implied by Part 6A of the *Land Title Act 1994* and interests registered on the common property for the Scheme.

#### 12.9 Seller's Additional Warranties

- (1) The Seller warrants that at the Contract Date, except as disclosed in this contract or the Seller Disclosure Statement:
  - (a) the Seller:
    - (i) has not received notice of a meeting of the Body Corporate to consider; and
    - (ii) is not aware of a resolution of the Body Corporate, consenting to the recording of a new community management statement for the Scheme differing from the community management statement recorded for the Scheme at the Contract Date; and
  - (b) all necessary Body Corporate consents to improvements made to common property and which benefit the Lot or the registered owner of the Lot are in force; and
  - (c) the Seller has not received notice of a by-law contravention relating to the Lot from the Body Corporate or a Principal Body Corporate which has not been fully complied with or otherwise remains in effect.
- (2) If the Seller breaches a warranty in clause 12.9(1) and, as a result, the Buyer is materially prejudiced, the Buyer may terminate this contract by notice to the Seller given before settlement but may not claim damages or compensation.
- (3) Clauses 12.9(1) and 12.9(2) do not restrict any statutory rights the Buyer may have which cannot be excluded by this contract.

#### 12.10 Body Corporate Meetings

- (1) The Seller must promptly give the Buyer a copy of:
  - (a) any notice it receives of a proposed meeting of the Body Corporate and any Principal Body Corporate to be held after the Contract Date; and
  - (b) resolutions passed at that meeting and prior to settlement.
- (2) The Buyer may terminate this contract by notice in writing to the Seller given before settlement if it is materially prejudiced by any resolution of the Body Corporate or a Principal Body Corporate passed after the Contract Date other than a resolution, details of which are disclosed to the Buyer in this contract or in the Seller Disclosure Statement.
- (3) In clause 12.10(2) a resolution includes a decision of the Body Corporate Committee to consent to recording a new community management statement.
- (4) If the Buyer is not given a copy of the resolutions before settlement, it may sue the Seller for damages.

#### 12.11 Property Adversely Affected

For clause 7.7(1)(b), (c), (d) and (e), references to the Lot are taken to include any part of the Scheme Land.

### 13. ADDITIONAL PROVISIONS FOR BUGTA LOTS

#### 13.1 When clause applies

This clause 13 applies if the Lot is a lot in a Parcel to which the *Building Units and Group Titles Act 1980* applies.

#### 13.2 Additional Definitions

- (1) The following additional definitions apply:
  - (a) "**Body Corporate**" means the body corporate under the *Building Units and Group Titles Act 1980* for the Parcel;
  - (b) "**Body Corporate Debt**" has the same meaning as 'relevant body corporate debt' in section 41A of the *Building Units and Group Titles Act 1980* but excludes the Body Corporate Levies for the period which includes the Settlement Date;
  - (c) "**Body Corporate Levies**" means regular periodic contributions levied on the owner of the Lot (including, if applicable, levied under an exclusive use by-law) excluding any Special Contribution;
  - (d) "**Exclusive Use Area**" means part of the common property of the Parcel allocated to the Lot under an exclusive use by-law;
  - (e) "**Parcel**" has the meaning in the *Building Units and Group Titles Act 1980*;
  - (f) "**Principal Body Corporate**" means:
    - (i) a body corporate under the Relevant Specified Act of which the Body Corporate is a member; and
    - (ii) a body corporate under the Relevant Specified Act of which a body corporate in paragraph (i) is a member;
  - (g) "**Relevant Specified Act**" means whichever of the following applies to the Lot and the Parcel:
    - (i) the *Integrated Resort Development Act 1987*; or
    - (ii) the *Mixed Use Development Act 1993*; or
    - (iii) the *Registration of Plans (H.S.P. (Nominees) Pty. Limited) Enabling Act 1980*; or
    - (iv) the *Registration of Plans (Stage 2) (H.S.P. (Nominees) Pty. Limited) Enabling Act 1984*; or
    - (v) the *Sanctuary Cove Resort Act 1985*;



- (h) “**Section 53 Notice**” means the form of notice of transfer of the Lot under section 53(2)(a) of the *Building Units and Group Titles Act 1980*;
  - (i) “**Special Contribution**” means an amount levied by the Body Corporate on the owner of the Lot under section 32(1) of the *Building Units and Group Titles Act 1980* which is not a regular periodic contribution.
- (2) The following definitions in clause 1.1 are modified as stated:
- (a) “**Outgoings**” also includes Body Corporate Levies;
  - (b) “**Property**” also includes the right to any Exclusive Use Areas except in clause 7.4(2)(a);
  - (c) “**Reserved Items**” also includes all chattels in the Exclusive Use Areas which are not Included Chattels.
- (3) For clauses 3.5(1)(c)(i) and 3.5(7) the references to “authority” include the Body Corporate.
- (4) Words and phrases defined in the *Building Units and Group Titles Act 1980* have the same meaning in this contract unless the context indicates otherwise.

### 13.3 Body Corporate Records Inspection

- (1) This contract is conditional upon the Buyer being satisfied that it will not be materially prejudiced by any circumstances discovered on an inspection of the Body Corporate’s records by the Records Inspection Date. The Buyer must take all reasonable steps to inspect the records.
- (2) The Buyer must give notice to the Seller that:
  - (a) the Buyer:
    - (i) despite taking all reasonable steps has been unable to inspect the Body Corporate’s records by the Records Inspection Date; or
    - (ii) is not satisfied with its inspection in accordance with clause 13.3(1), and the Buyer terminates this contract; or
  - (b) clause 13.3(1) has been either satisfied or waived by the Buyer.
- (3) If the Buyer terminates this contract and the Seller asks the Buyer for further details the Buyer must give written reasons to the Seller without delay.
- (4) The Seller may terminate this contract by notice to the Buyer if notice is not given under clause 13.3(2) by 5pm on the Records Inspection Date. This is the Seller’s only remedy for the Buyer’s failure to give notice.
- (5) The Seller’s right under clause 13.3(4) is subject to the Buyer’s continuing right to give written notice to the Seller of satisfaction, termination or waiver pursuant to clause 13.3(2).

### 13.4 Adjustment of Land Tax

- (1) For clause 3.5(4), the Site Value of the Lot will be calculated in accordance with section 29 of the *Land Tax Act 2010*.
- (2) If there is no separate Site Value for the Parcel, clause 3.5(5) applies as if each reference to the Lot was a reference to the Parcel.

### 13.5 Body Corporate Debts

- (1) The Seller is liable for:
  - (a) any Special Contribution for which a levy notice has been issued on or before the Contract Date; and
  - (b) any other Body Corporate Debt (including any penalty or recovery cost resulting from non-payment of a Body Corporate Debt) owing in respect of the Lot at settlement.
- (2) The Buyer is liable for any Special Contribution levied after the Contract Date.

- (3) If an amount payable by the Seller under clause 13.5(1) is unpaid at the Settlement Date,
  - (a) for an Electronic Settlement, at settlement the Financial Settlement Schedule must specify payment of the relevant amount to the Body Corporate;
  - (b) otherwise, the Buyer may deduct the specified amount from the Balance Purchase Price at settlement and must pay it promptly to the Body Corporate.
- (4) For the purposes of clause 13.5(1), an amount payable under an exclusive use by-law will be treated as levied on the date it is due.

### 13.6 Section 53 Notices

- (1) The Buyer must:
  - (a) complete and sign Section 53 Notice and provide a copy to the Seller on or before settlement; and
  - (b) provide the Section 53 Notice to the Body Corporate promptly after settlement.
- (2) If the Buyer fails to comply with clause 13.6(1)(b), the Buyer authorises the Seller to provide the copy of the Section 53 Notice to the Body Corporate.

### 13.7 Title

For clause 7.1, the Lot is also sold subject to the *Building Units and Group Titles Act 1980*, the Relevant Specified Act, the by-laws of the Body Corporate and any other by-laws under the Relevant Specified Act which apply to the Parcel.

### 13.8 Encumbrances

For clause 7.2, the Property is also sold subject to:

- (a) the easements implied or created by sections 15 to 17 of the *Building Units and Group Titles Act 1980*;
- (b) the easements implied or created by the Relevant Specified Act; and
- (c) interests registered on the common property for the Parcel.

### 13.9 Seller’s Additional Warranties

- (1) The Seller warrants that at the Contract Date, except as disclosed in this contract or the Seller Disclosure Statement:
  - (a) the Seller:
    - (i) has not received notice of a meeting of the Body Corporate to consider; and
    - (ii) is not aware of a resolution of the Body Corporate, to amend, add to or repeal the by-laws for the Parcel as recorded on the plan for the Parcel at the Contract Date;
  - (b) all Body Corporate consents to improvements made to common property and which benefit the Lot or the registered owner of the Lot are in force; and
  - (c) the Seller has not received notice of a by-law contravention relating to the Lot from the Body Corporate or a Principal Body Corporate which has not been fully complied with or otherwise remains in effect.
- (2) If the Seller breaches a warranty in clause 13.9(1), and, as a result, the Buyer is materially prejudiced, the Buyer may terminate this contract by notice to the Seller given before settlement but may not claim damages or compensation.
- (3) Clauses 13.9(1) and 13.9(2) do not restrict any statutory rights the Buyer may have which cannot be excluded by this contract.

### **13.10 Body Corporate Meetings**

- (1) The Seller must promptly give the Buyer a copy of:
  - (a) any notice it receives of a proposed meeting of the Body Corporate or a Principal Body Corporate to be held after the Contract Date; and
  - (b) resolutions passed at that meeting and prior to settlement.
- (2) The Buyer may terminate this contract by notice in writing to the Seller given before settlement if:
  - (a) a resolution of the Body Corporate or a Principal Body Corporate is passed after the Contract Date; and
  - (b) the Buyer would be materially prejudiced if required to settle this contract,unless details of the resolution were disclosed to the Buyer in this contract or the Seller Disclosure Statement.

### **13.11 Property Adversely Affected**

For clause 7.7(1)(b), (c), (d) and (e), references to the Lot are taken to include any part of the Parcel.