

Your Ref: Material Change of Use – Health Care Services
Our Ref: PC:HR MCU21\0005

2 September 2021

Benjamin Collings
BNC Planning Pty Ltd
PO Box 5493
TOWNSVILLE QLD 4810

enquire@bncplanning.com.au

Dear Mr Collings

Decision Notice
Material Change of Use – Health Care Services
87 Cartwright Street, Ingham – Lot 1 on RP731380
Planning Act 2016

Receipt of your application deemed to be properly made on Tuesday 22 June 2021 seeking a Development Permit for Material Change of Use – Health Care Services at 87 Cartwright Street, Ingham, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 31 August 2021.

Council resolved to approve the proposed application, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Decision Notice and Infrastructure Charges Notice is attached for your perusal.

This Notice outlines aspects of the development's condition of approval, currency period, approved plans, referral agency response and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an appeal, should you wish to do so.

Should you require any further information or clarification concerning this matter, please contact Council's Built Environment Team Leader, Hayley Roy on 4776 4609 for the necessary assistance.

Yours sincerely



Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice
Infrastructure Charges Notice



25 Lannercost Street
INGHAM QLD 4850



PO Box 366 INGHAM QLD 4850
ABN 46 291 971 168



4776 4600
4776 3233



council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil



2 September 2021

SECTION 83 OF PLANNING ACT 2016
APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	MCU21\0005
Property ID Number	101465
Applicant Details	Optimise Health and Wellness c/- BNC Planning Pty Ltd PO Box 5493 TOWNSVILLE QLD 4810
Owner Details	Port Bellbird Pt Ltd and Raeline Firth as Trustee The ESMA Family Trust PO Box 1475 INGHAM QLD 4850
Property Description	87 Cartwright Street, Ingham QLD 4850 Lot 1 on RP731380
Proposal	Material Change of Use – Health Care Services
Level of Assessment	Code Assessment

DECISION

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provisions of the *Planning Act 2016*:

Decision	The application was approved subject to conditions.
Decision Date	31 August 2021
Decision Type	Development Permit
Assessment Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Submissions	Not Applicable

CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Conditions of Approval. The conditions are identified to indicate whether the Assessment Manager or Referral Agency (if any) imposed them.

REFERRAL AGENCIES

State Assessment and Referral Agency (SARA)
Department of State Development, Infrastructure, Local Government and Planning
PO Box 15009
CITY EAST QLD 4002

Pursuant to Section 56 of the *Planning Act 2016*, the SARA advises that it has no objection to Hinchinbrook Shire Council issuing a Development Approval for Material Change of Use – Health Care Services, subject to the conditions, as attached.

FURTHER APPROVALS REQUIRED

This approval does not authorise any operational works (filling of land or civil works) or building work and a Development Permit for carrying out the above mentioned may require additional assessment.

This approval does not authorise any works within Council's Road Reserve (e.g. new/additional access, repair/modification to existing access or works to footpaths). If this is required as part of your development proposal, an application will need to be lodged with Council or other relevant authority.

INFRASTRUCTURE CHARGES

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to this Development Permit will be issued to you as soon as practicable in accordance with Section 119 of the *Planning Act 2016*.

RIGHTS OF APPEAL

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

An applicant for a Development Application may appeal to the Planning and Environment Court against the following:

- The refusal of all or part of the Development Application;
- A provision of the Development Approval;
- The decision to give a preliminary approval when a Development Permit was applied for; and
- A deemed refusal of the Development Application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

APPROVAL CURRENCY PERIOD

Pursuant to Section 85 of the *Planning Act 2016*, the Development Approval will lapse six years after the approval starts to have effect, unless otherwise conditioned.

APPROVED PLANS AND SPECIFICATIONS

The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.

Copies of the approved plans, specifications and/or drawings are attached.

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with section 63(5) and section 83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a Development Application.

The purpose of this Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- The relevant part of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- Any other information documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meaning given to them in the *Planning Act 2016*.

The proposed development is considered to be consistent with the relevant overall outcomes and assessment benchmarks of the *Hinchinbrook Shire Planning Scheme 2017*, in particular:

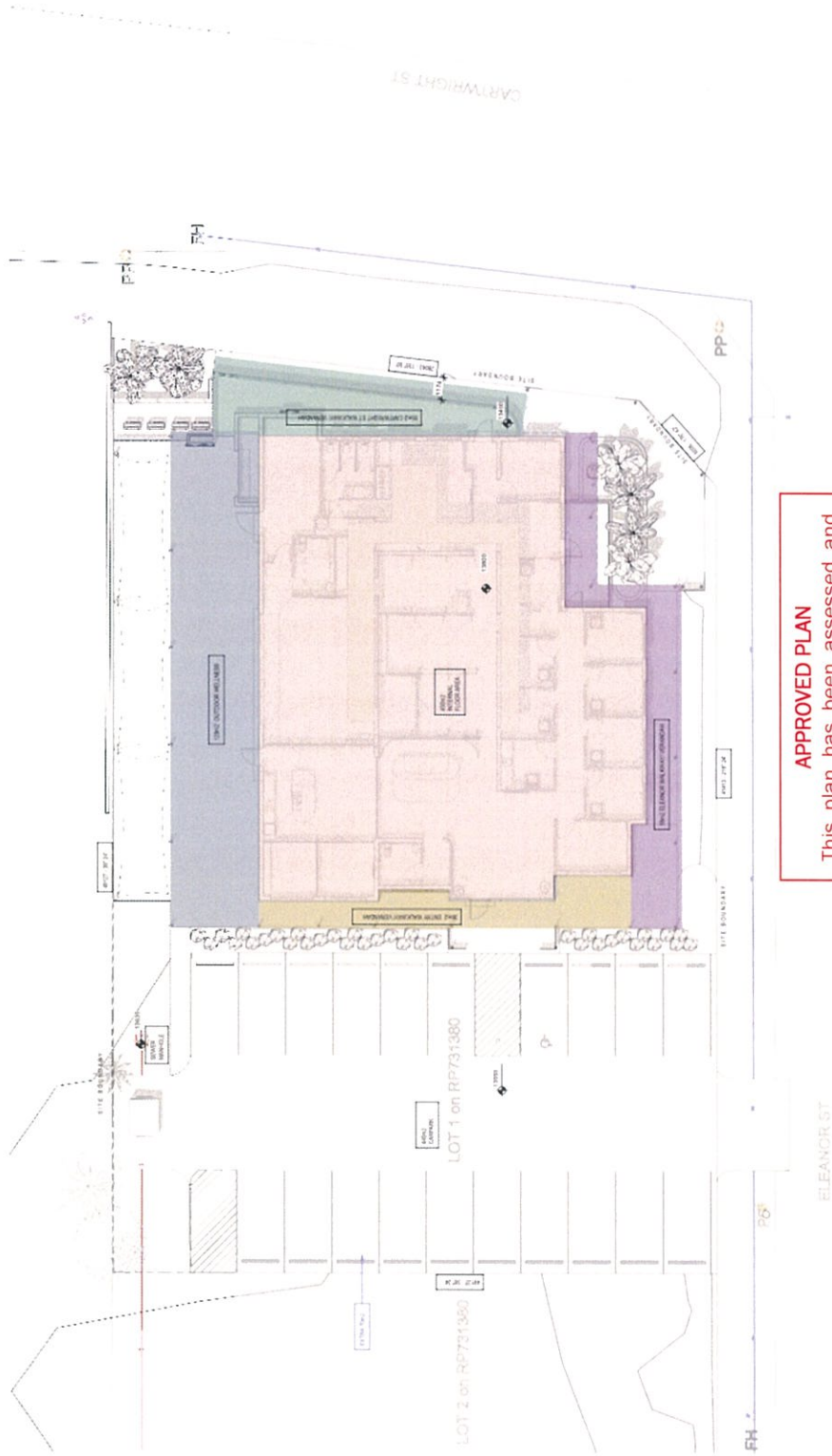
- The application has been approved as it is considered to meet, or have the ability to meet the requirements of the relevant aspects of the *Hinchinbrook Shire Planning Scheme 2017*; and
- Conditions of Approval have been included to ensure that compliance with the *Hinchinbrook Shire Planning Scheme 2017*.

Should you require any further information or clarification concerning this matter, please contact Council's Built Environment Team Leader, Hayley Roy on 4776 4609 for the necessary assistance.

CONDITION		TIMING																											
1.	<p>Administration</p> <p>The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.2 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and</p> <p>1.3 The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.</p>	At all times.																											
2.	<p>Approved Plans</p> <p>2.1 The development and use of the site is to be generally in accordance with the following plans that are to be the Approved Plans of Development, except as altered by any other condition of approval; and</p> <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Site Plan</td><td>1623-SK-010 Rev 4</td><td>22/6/21</td></tr><tr><td>Cartwright Street View</td><td>1623-SK-011 Rev 1</td><td>27/5/21</td></tr><tr><td>Corner Street View</td><td>1623-SK-012 Rev 1</td><td>27/5/21</td></tr><tr><td>Eleanor Street View</td><td>1623-SK-013 Rev 1</td><td>27/5/21</td></tr><tr><td>Proposed Street Elevation</td><td>1623-SK-014 Rev 1</td><td>27/5/21</td></tr><tr><td>Proposed Floor Plan</td><td>1623-SK-200 Rev 1</td><td>27/5/21</td></tr><tr><td>Proposed Roof Plan</td><td>1623-SK-600 Rev 1</td><td>27/5/21</td></tr><tr><td>Proposed Elevations</td><td>1623-SK-701 Rev 1</td><td>27/5/21</td></tr></table> <p>2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plan and documents, the conditions of approval prevail.</p>	Plan / Document Name	Number	Date	Site Plan	1623-SK-010 Rev 4	22/6/21	Cartwright Street View	1623-SK-011 Rev 1	27/5/21	Corner Street View	1623-SK-012 Rev 1	27/5/21	Eleanor Street View	1623-SK-013 Rev 1	27/5/21	Proposed Street Elevation	1623-SK-014 Rev 1	27/5/21	Proposed Floor Plan	1623-SK-200 Rev 1	27/5/21	Proposed Roof Plan	1623-SK-600 Rev 1	27/5/21	Proposed Elevations	1623-SK-701 Rev 1	27/5/21	At all times.
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3.	<p>Operation of Use</p> <p>The approved use is permitted to operate only between 8:00am and 7:00pm Monday to Friday and between 8:00am and 2:00pm on Saturday.</p>	At all times.																											

CONDITION	TIMING
<p>4. Car Parking and Vehicle Manoeuvring Areas</p> <p>4.1 The use must be provided a minimum of 20 on site car parking spaces with a minimum of one dedicated for persons with a disability;</p> <p>4.2 A minimum of 10 on site car parking spaces must remain available for client use at all times;</p> <p>4.3 The car park and associated vehicle manoeuvring areas must be imperviously sealed; and</p> <p>4.4 All car park and associated vehicle manoeuvring areas must be constructed in accordance with AS2890.1 – Off street car parking and AS2890.6 – Parking facilities – Off street parking for people with a disability.</p>	<p>Prior to the commencement of use and maintained at all times.</p>
<p>5. Pedestrian Footpath Network</p> <p>5.1 The applicant is required to extend the pedestrian footpath network in the Cartwright Street road reserve from the existing Station Hotel awning to the awning structures provided for the development at the corner of Cartwright Street and Eleanor Street;</p> <p>5.2 Disability access from the external pedestrian network to the development's internal pedestrian network must be provided in accordance with the relevant standards; and</p> <p>5.3 The developer must obtain the relevant permits, this may include but is not limited to a Section 33 Road Works Approval under the <i>Transport Infrastructure Act 1994</i>, to undertake works within the road reserve.</p>	<p>Prior to the commencement of use and maintained at all times.</p>
<p>6. Infrastructure Services</p> <p>6.1 The existing connection to Council's reticulated water and sewerage network must be maintained for the proposed development;</p> <p>6.2 The proposed development must connect to the reticulated electricity and telecommunication network; and</p> <p>6.3 Any relocation and/or alteration to public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to Council.</p>	<p>Prior to the commencement of use and maintained at all times.</p>
<p>7. Stormwater</p> <p>All stormwater from the property must be directed to a lawful point of discharge or follow natural overland flow paths, such that it does not adversely affect surrounding properties or properties downstream from the development in accordance with Part 9.4.1.3 Infrastructure, Services and Works Code of the Hinchinbrook Shire Planning Scheme 2017.</p>	<p>At all times.</p>
<p>8. Damage to Infrastructure</p> <p>In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council.</p>	<p>At all times.</p>

CONDITION	TIMING
<p>9. Amenity</p> <p>9.1 The use must ensure air quality is maintained in accordance with the objectives of the Environmental Protection (Air Quality) Policy 2019;</p> <p>9.3 The use must ensure that noise is maintained in accordance with the objectives of the Environmental Protection (Noise) Policy 2019;</p> <p>9.4 Any lighting installed as part of the use must only be directed to areas internal to the subject land and must not emit glare or light above the levels defined in AS4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting; and</p> <p>9.5 All plant, utilities and refuse storage areas associated with the use must be appropriately screened or located not to be visible from the street.</p>	<p>At all times.</p>
<p>10. Landscaping</p> <p>Landscaping is to be provided generally in accordance with the detail provided on the approved plans and include species appropriate to the locality.</p>	<p>Prior to the commencement of use and maintained at all times.</p>
<p>11. Waste Management Plan</p> <p>A Waste Management Plan must be prepared for the development, including but not limited to, where refuse will be stored on the subject site, how refuse storage areas will be appropriately screened from view, and how vehicles collecting refuse will access the site safely or how waste will be collected if refuse collection vehicles will not be entering the site.</p>	<p>Prior to the commencement of use and maintained at all times.</p>

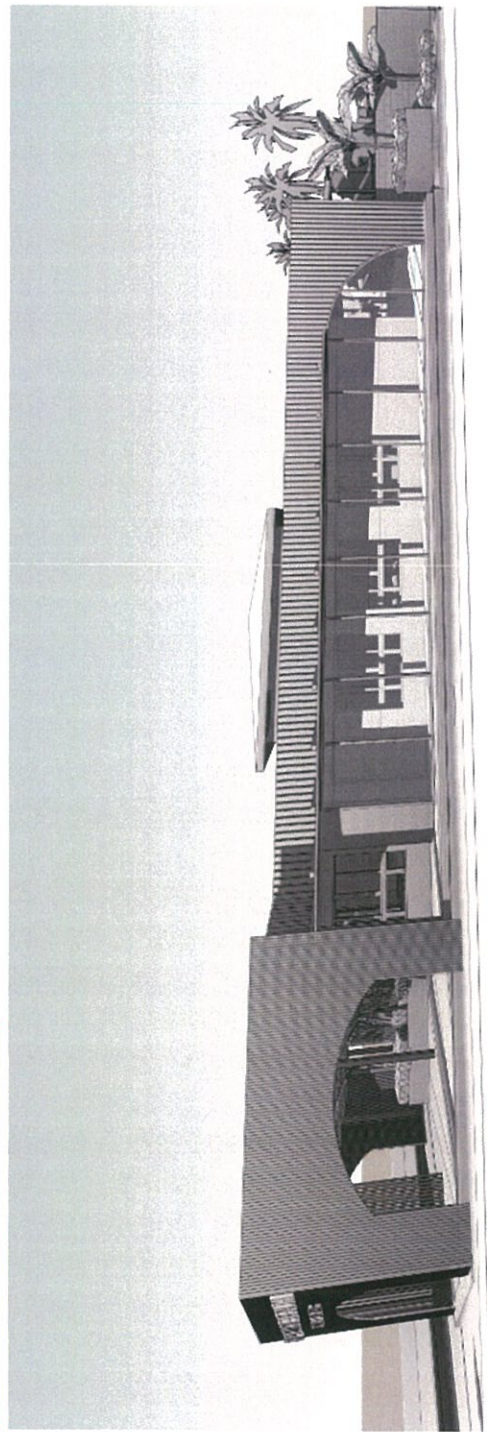


APPROVED PLAN
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.
MCU21\0005
31 August 2021

REAL PROPERTY DESCRIPTION
LOT 1, 2 & 3, 4 & 5, 6 & 7, 8 & 9, 10 & 11, 12 & 13, 14 & 15, 16 & 17, 18 & 19, 20 & 21, 22 & 23, 24 & 25, 26 & 27, 28 & 29, 30 & 31, 32 & 33, 34 & 35, 36 & 37, 38 & 39, 40 & 41, 42 & 43, 44 & 45, 46 & 47, 48 & 49, 50 & 51, 52 & 53, 54 & 55, 56 & 57, 58 & 59, 60 & 61, 62 & 63, 64 & 65, 66 & 67, 68 & 69, 70 & 71, 72 & 73, 74 & 75, 76 & 77, 78 & 79, 80 & 81, 82 & 83, 84 & 85, 86 & 87, 88 & 89, 90 & 91, 92 & 93, 94 & 95, 96 & 97, 98 & 99, 100 & 101, 102 & 103, 104 & 105, 106 & 107, 108 & 109, 110 & 111, 112 & 113, 114 & 115, 116 & 117, 118 & 119, 120 & 121, 122 & 123, 124 & 125, 126 & 127, 128 & 129, 130 & 131, 132 & 133, 134 & 135, 136 & 137, 138 & 139, 140 & 141, 142 & 143, 144 & 145, 146 & 147, 148 & 149, 150 & 151, 152 & 153, 154 & 155, 156 & 157, 158 & 159, 160 & 161, 162 & 163, 164 & 165, 166 & 167, 168 & 169, 170 & 171, 172 & 173, 174 & 175, 176 & 177, 178 & 179, 180 & 181, 182 & 183, 184 & 185, 186 & 187, 188 & 189, 190 & 191, 192 & 193, 194 & 195, 196 & 197, 198 & 199, 200 & 201, 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This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU21\0005
31 August 2021



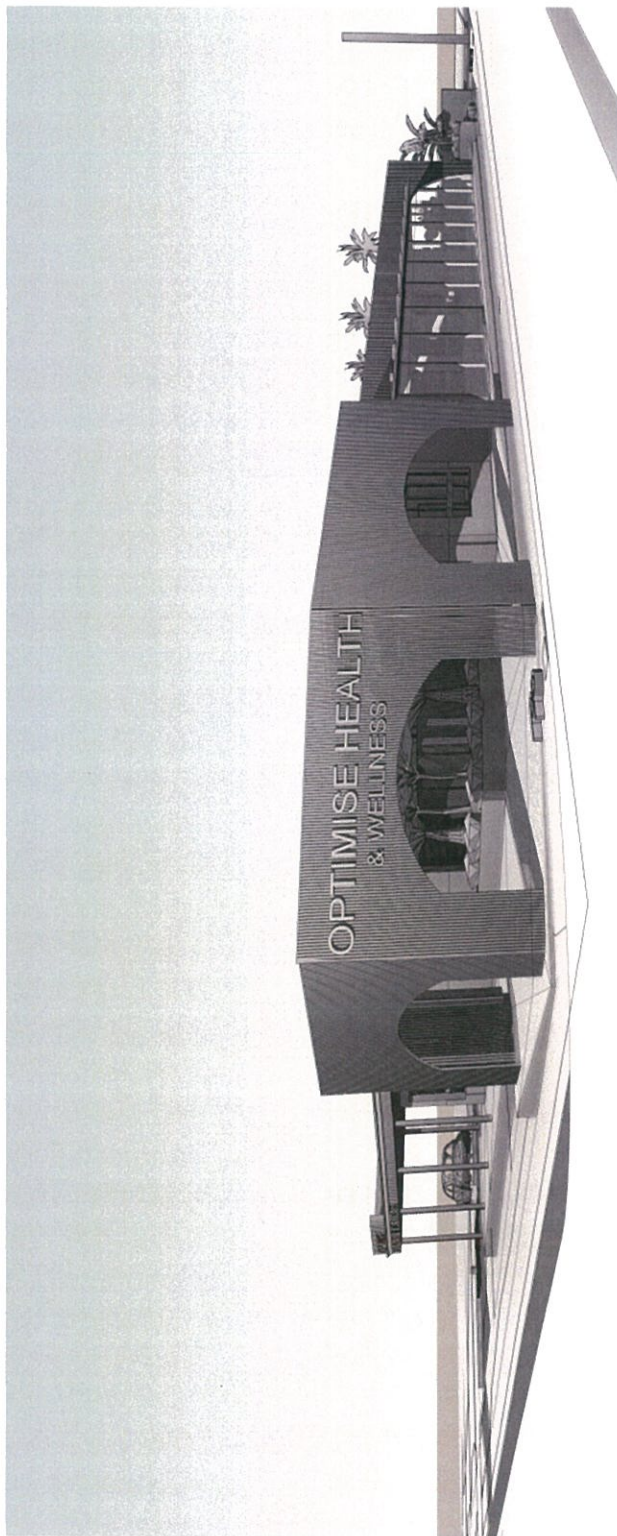
1 CARTWRIGHT STREET VIEW

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APPROVED PLAN

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MCU21\0005
31 August 2021



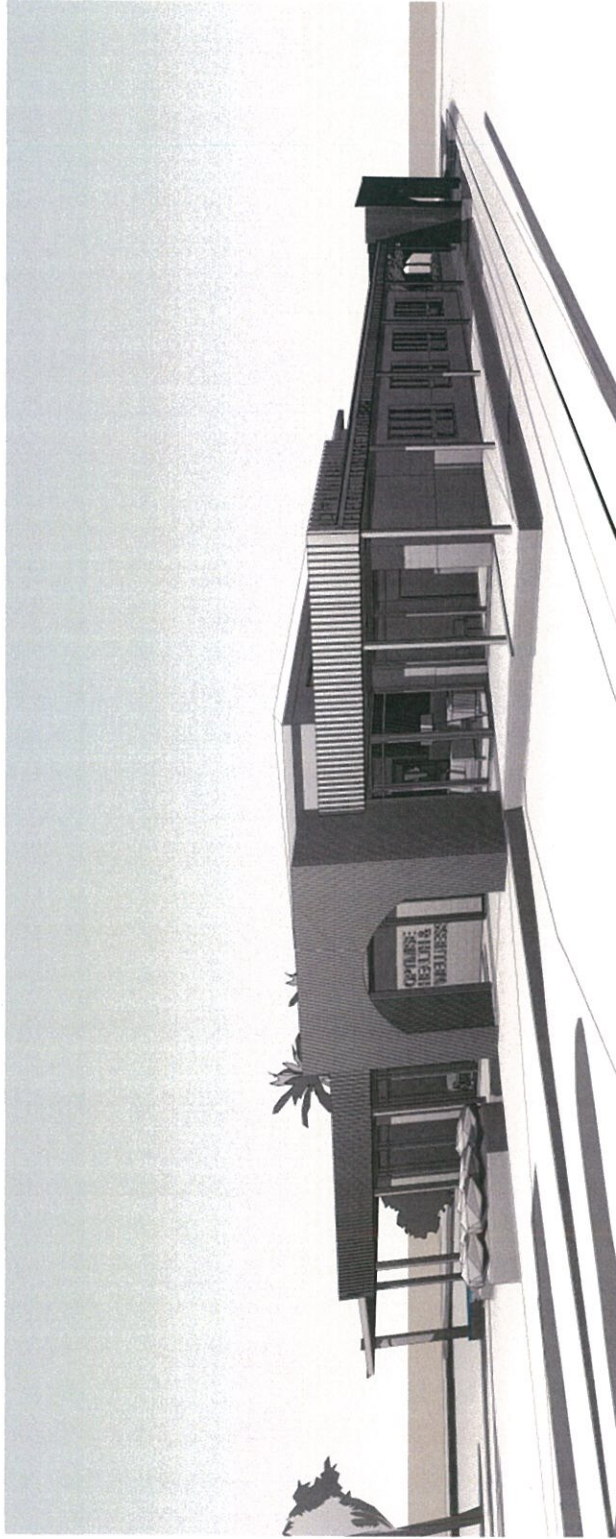
1 CORNER STREET VIEW

<p>GENERAL NOTES</p> <p>1. EXISTING IMPROVEMENTS AND PRESENCE OF A STREET LIGHTING INSTALLATION ARE TO BE MAINTAINED.</p> <p>2. A STREET LIGHTING INSTALLATION IS TO BE MAINTAINED.</p>		<p>PROJECT</p> <p>OPTIMISE HEALTH AND WELLNESS</p>		<p>CLIENT</p> <p>WAF</p>		<p>LOCATION</p> <p>CARTWRIGHT STREET, INGHAM</p>		<p>VERSION</p> <p>1</p>	
<p>APPROVED</p> <p>DATE: 24/06/2021</p>		<p>DESIGNED</p> <p>DATE: 24/06/2021</p>		<p>CHECKED</p> <p>DATE: 24/06/2021</p>		<p>DATE</p> <p>24/06/2021</p>		<p>BY</p> <p>24/06/2021</p>	
<p>PROJECT</p> <p>OPTIMISE HEALTH AND WELLNESS</p>		<p>CLIENT</p> <p>WAF</p>		<p>LOCATION</p> <p>CARTWRIGHT STREET, INGHAM</p>		<p>VERSION</p> <p>1</p>		<p>DATE</p> <p>24/06/2021</p>	
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<p>PROJECT</p> <p>OPTIMISE HEALTH AND WELLNESS</p>		<p>CLIENT</p> <p>WAF</p>		<p>LOCATION</p> <p>CARTWRIGHT STREET, INGHAM</p>		<p>VERSION</p> <p>1</p>		<p>DATE</p> <p>24/06/2021</p>	

APPROVED PLAN

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MCU21\0005
31 August 2021

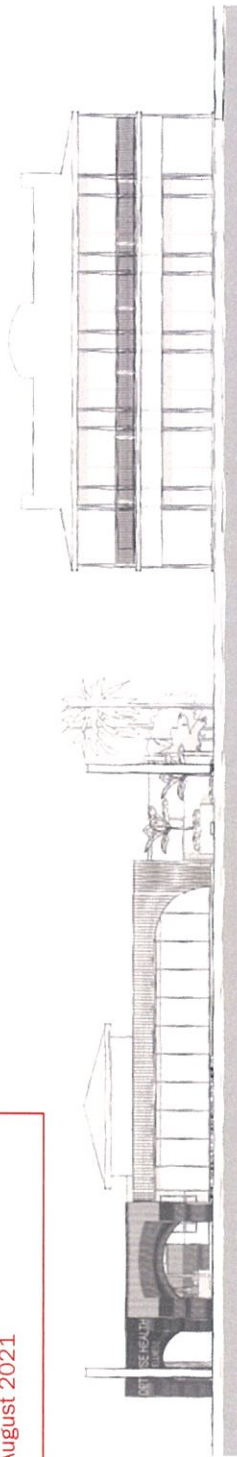


1 ELEANOR ST BACK VIEW
B.A.

GENERAL NOTES 1. THESE PLANS ARE THE PROPERTY OF HINCHINBROOK SHIRE COUNCIL AND ARE NOT TO BE REPRODUCED OR USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF HINCHINBROOK SHIRE COUNCIL.		PROJECT CLIENT: OPTIMISE HEALTH AND WELLNESS LOCATION: W&F CARTWRIGHT STREET, INGHAM		NOT FOR CONSTRUCTION DRAWING NO: 1623 DATE: 16/07/2021 SCALE: 1:100 SHEET: 013 OF 1	
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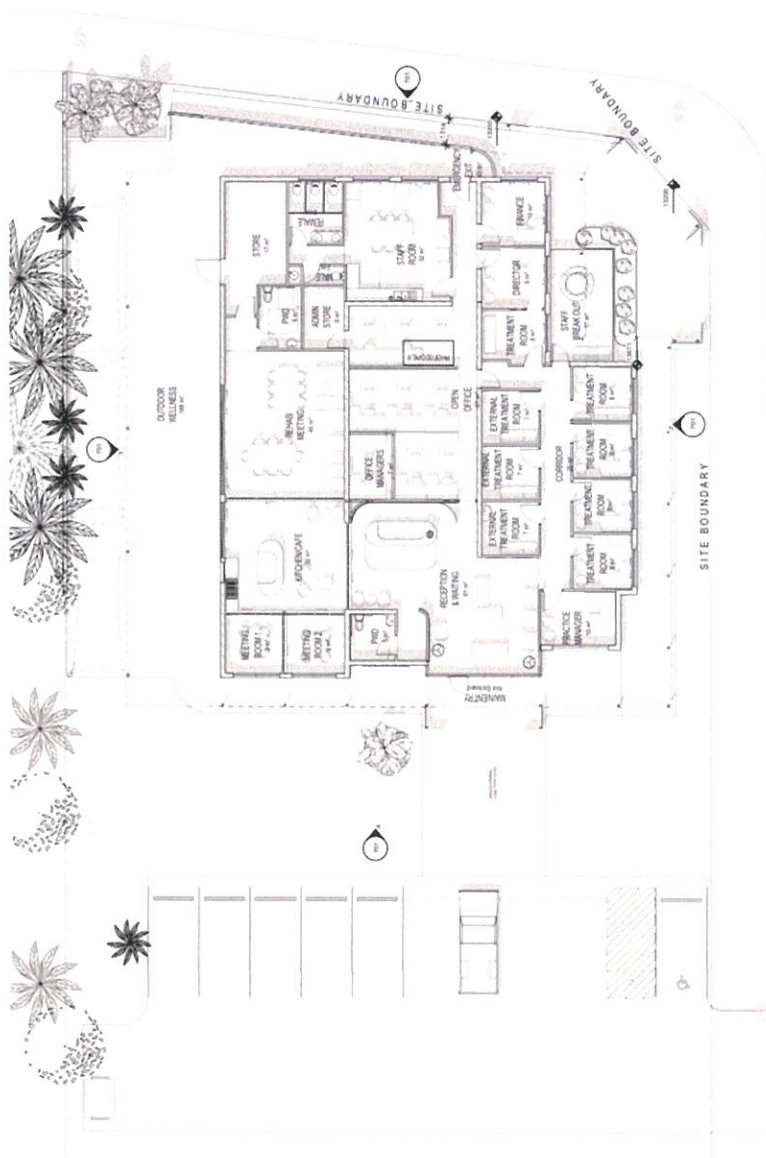
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU21\0005
31 August 2021



1 SKETCH STREETSCAPE ELEVATION
1" = 100' @ A1

[illegible]



APPROVED PLAN

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MCU21\0005
31 August 2021

GENERAL NOTES	PROJECT	OPTIMISE HEALTH AND WELLNESS	
1 VISITED PROPOSER'S PAST PRECEDENCE 2 VISIT ALL BUILDINGS BEFORE 3 VISIT ALL BUILDINGS BEFORE	CLIENT	W&F	
	LOCATION	CARTWRIGHT STREET , INGHAM	
Document Ref: 2024-0871	Sat Id: 24.1671		

NOT FOR CONSTRUCTION



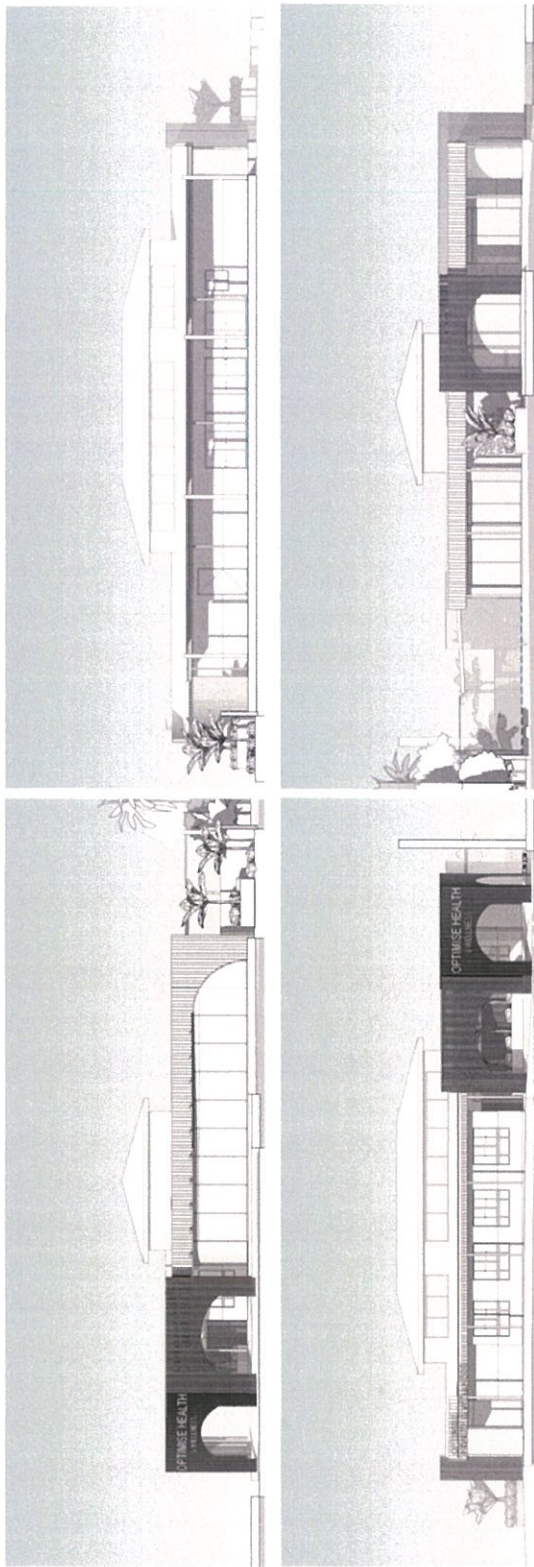
APPROVED PLAN

This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU21\0005
31 August 2021

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Document Set ID: 2411871
Version: 1, Version Date: 24.06.2021



APPROVED PLAN

This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU21\0005

31 August 2021

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2106-23270 SRA

Attachment 1 — Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition Timing
Material Change of Use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) – Material Change of use of premises near a state transport corridor – The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport & Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.	(a) At all times
	(b) Any works on the land must not:	(b) At all times
	(i) create any new discharge points for stormwater runoff onto the state-controlled road;	(c) Prior to the commencement of use
	(ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;	
	(iii) surcharge any existing culvert or drain on the state-controlled road;	
	(iv) reduce the quality of stormwater discharge onto the state-controlled road.	
	(c) RPEQ certification with supporting documentation must be provided to North.Queensland.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with part/s (a) and (b) of this condition.	



2106-23270 SRA

Attachment 2 — Advice to the applicant

General advice

1. Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.



2106-23270 SRA

Attachment 3 — Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- To ensure the development does not create a safety hazard for users of a state-controlled road.
- To ensure the development does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works.
- To ensure the development does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network.
- To ensure the development does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads.
- To ensure the development does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system



2 September 2021

SECTION 119 OF PLANNING ACT 2016**APPLICATION DETAILS**

This Infrastructure Charges Notice relates to the below development application:

Application Number	MCU21\0005
Property ID Number	101465
Applicant Details	Optimise Health and Wellness c/- BNC Planning Pty Ltd PO Box 5493 TOWNSVILLE QLD 4810
Owner Details	Port Bellbird Pt Ltd and Raeline Firth as Trustee The ESMA Family Trust PO Box 1475 INGHAM QLD 4850
Property Description	87 Cartwright Street, Ingham QLD 4850 Lot 1 on RP731380
Proposal	Material Change of Use – Health Care Services
Level of Assessment	Code Assessment

APPLICABLE INFRASTRUCTURE CHARGEThe applicable infrastructure charge has been calculated in accordance with Hinchinbrook Shire Council's *Adopted Infrastructure Charges Resolution CR1-2018*, and makes allowances for any imposed waiver or dispensation issued by the relevant authority:

LEVIED CHARGE	\$28,840.00 + annual adjustments and/or reviews
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PAYMENT DETAILS

The adopted Infrastructure Charge must be made to Hinchinbrook Shire Council prior to the commencement of use.

Payment can be made in person at Council's main office, 25 Lannercost Street, Ingham, or via post PO Box 366, INGHAM QLD 4850.

ADJUSTMENTS TO THE CHARGE

The amount of the levied charge will be recalculated at time of payment using the adopted Infrastructure Charges stated in the resolution in use at that time.

GOODS AND SERVICES TAX (GST)

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

FAILURE TO PAY

An infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the *Local Government Act 2009*. Compound annual interest at 10% calculated daily is to be applied to an overdue charge.

APPEAL RIGHTS

You may appeal against any matter stated in the adopted Infrastructure Charges Notice.

Under the provisions of the *Planning Act 2016*, the Applicant may –

- i. Make representation to Council to discuss the adopted Infrastructure Charges Notice by contacting Council's Chief Executive Officer. You must make these representations within twenty (20) business days after the day you receive this notice. If Council alters the decision, you will be given a 'Negotiated Adopted Infrastructure Charges Notice; or
- ii. Appeal to the Planning and Environment Court or Development Tribunal.

Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the Applicant to the Planning and Environment Court or Development Tribunal.

INFRASTRUCTURE CHARGES

The applicable infrastructure charge has been calculated in accordance with Hinchinbrook Shire Council's *Adopted Infrastructure Charges Resolution CR1-2018*.

Detail of the calculated infrastructure charge is as reflected hereunder.

APPLICABLE NETWORKS	
Network	Provided to Subject Land
Water supply	Yes
Sewerage	Yes
Transport	Yes
Stormwater	Yes
Public parks and community facilities*	-

* Not applicable to non-residential development

PROPOSED LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Charge
Essential services (Health Care Services)	m ² GFA	450	3	\$45/m ²	-	\$20,250.00
Essential services (Stormwater)	m ² impervious area	1,109	1	\$10/m ²	-	\$11,090.00

CREDIT LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Credit
Residential – 3 or more bedroom dwelling house*	Lot	1	5	\$6,500	-	\$6,500.00

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$31,340.00	\$6,500.00	\$24,840.00