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Date >> 23 April 2010

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**Delfin Townsville Pty Ltd**  
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TOWNSVILLE QLD 4810

TOWNSVILLE CITY COUNCIL  
ADMINISTRATION BUILDING  
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## DEVELOPMENT APPLICATION NEGOTIATED DECISION NOTICE

Integrated Planning Act 1997

The Development Application for a **Preliminary Approval – Material Change of Use Impact (MI07/0092)** to override the Townsville City Plan 2005 - (Pursuant to Section 3.1.6 of the IPA 1997) for the purposes of creating a New Master Planned Community comprising Residential, Hilltop Environmental Residential, Mixed Use, Town Centre, Business and Industry and Open Space Uses, and associated Environmentally Relevant Activity ECA07/0012 (Sewerage Treatment) was assessed and approved with conditions. The decision was made under Delegation of Authority from the Council on **22 April 2010**.

The following schedule provides all the relevant details.

### 1. Site Details

Assessment Number >>	6601024
Real Property Description >>	Part Lot 2 on EP 679, Part Lot 12 on RP 845508, Lot 463 on E 12493, Lot 142 and Lot 182 on K124500, Lot 298 on K 124940, Lot 87 on E 124358 and Lot 199 on K 124503
Property Address >>	37027 Bruce Highway, Julago
Area of Lot >>	1594.437 Hectares
Previous Use >>	Vacant

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## 2. Approval Type

Amended  
Preliminary Approval

## Development Type

Material Change of Use Impact - to override the Townsville City Plan 2005 - (Pursuant to Section 3.1.6 of the IPA 1997) for the purposes of creating a New Master Planned Community comprising Residential, Hilltop Environmental Residential, Mixed Use, Town Centre, Business and Industry and Open Space Uses, and associated Environmentally Relevant Activity ECA07/0012 (Sewerage Treatment)

## 3. Conditions

Assessment Manager's amended conditions (Refer attached Schedule of Conditions).

## 4. Further Development Permits Required for this Development

Development Permit - Material Change of Use  
Development Permit - Reconfiguring a Lot  
Development Permit - Building Work

## 5. Referral Agencies

Concurrence Agencies  
Name and Address >>

Administration Officer  
Implementation and Support Unit  
Department of Environment and Resource  
Management  
GPO Box 15155  
CITY EAST QUEENSLAND 4002

Department of Transport and Main Roads  
PO Box 1293  
TOWNSVILLE QLD 4810

Advice Agencies  
Name and Address >>

Powerlink Queensland Northern Office  
PO Box 7216  
GARbutt QLD 4810

Department of Infrastructure and Planning  
PO Box 15009  
CITY EAST QLD 4002

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### 6. Nature of the Change

Condition 7 - Deleted.

Conditions 1, 2, 3, 4, 5, 8, 9, 11, 12, 14, 15, 17, 19, 20 - Amended.

(NB. number sequence amended accordingly)

### 7. Rights of Appeal

Attached are the relevant provisions of the Integrated Planning Act 1997 relating to the Rights of Appeal.

### 8. Submissions

There were 15 submissions made on this application.

Name	Address1	Address2	Address3	Address4
Black-throated Finch Recovery Team	Po Box 756	TOWNSVILLE QLD 4810		
David and Christine Peterson	17 Muntalunga Drive	NOME QLD 4816		
Quoll Spotters Network	C/- Burdekin Dry Tropics NRM	PO Box 1466	TOWNSVILLE QLD 4810	
Dr GR Lillicrap	173 Adelaide Street East	CLAYFIELD QLD 4101		
Peter Pavia	Pavia Nominees Pty Ltd	760 Mt Cotton Road	SHELDON QLD 4157	
Hanson Constructions Material Pty Ltd	C/- Emanate Legal	PO Box 1984	TOWNSVILLE QLD 4810	
Department of Communities	Level 2, Suncorp Building	61 Sturt Street	TOWNSVILLE QLD 4810	Attention: Bill Hatton
Department of Education, Training and the Arts (Education Sector)	Level 14, Education House	630 Mary Street	BRISBANE QLD 4001	Attention: Alan Wagner
Office of the Director General Department of Housing	GPO Box 690	BRISBANE QLD 4810	Attention: Alan Dick	
Senior Health Advisor Queensland Health	GPO Box 48	BRISBANE QLD 4001		Attention: Dylan Walker
Department of Main Roads	Roads Business Group/Regions Northern Region/Townsville District Office	PO Box 1089	TOWNSVILLE QLD 4810	Attention: Roslyn Kiernan
Department of Infrastructure and Planning	PO Box 5666	TOWNSVILLE QLD 4810		
Department of Natural Resources and Water (NRW)	PO Box 5318	TOWNSVILLE QLD 4810	Attention: Linda Whiteley	
Acting Director - Assessment Environmental Services	Environmental Protection Agency	PO Box 15155	CITY EAST QLD 4002	Attention: Anne Lenz
Townsville City Council		PO Box 1268	TOWNSVILLE QLD 4810	

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### 9. When Approval Lapses

Section 3.5.21 of the Integrated Planning Act 1997 indicates when an approval lapses and this Section is attached for your information.

### 10. Approved Plans and Specifications

In accordance with Section 3.5.15(5) of the Integrated Planning Act 1997, a copy of the approved plans and specifications (if relevant) are attached.

Yours faithfully

A handwritten signature in black ink, appearing to read "Ant Savin".

✓ Assessment Manager

Encl.

## AMENDED PRELIMINARY APPROVAL

**MATERIAL CHANGE OF USE – (PRELIMINARY APPROVAL) TO OVERRIDE THE TOWNSVILLE CITY PLAN 2005 - (PURSUANT TO SECTION 3.1.6 OF THE IPA 1997) FOR THE PURPOSES OF CREATING A NEW MASTER PLANNED COMMUNITY COMPRISING RESIDENTIAL, HILLTOP ENVIRONMENTAL RESIDENTIAL, MIXED USE, TOWN CENTRE, BUSINESS AND INDUSTRY AND OPEN SPACE USES, AND ASSOCIATED ENVIRONMENTALLY RELEVANT ACTIVITY ECA07/0012 (SEWERAGE TREATMENT)**

### SCHEDULE OF CONDITIONS

#### ASSESSMENT MANAGER'S CONDITIONS:

##### 1. Plan of Development

The proposed development (as amended in accordance with Condition 2) must be undertaken generally in accordance with the "Rocky Springs Plan of Development" prepared by Delfin Lend Lease, dated June 2009, which overrides the Townsville City Plan 2005, and is approved as part of this application, subject to compliance with the following conditions of approval and supporting reports.

##### 2. Amended Plan of Development and Supporting Reports

The developer must provide the following to Council:

- (a) An amended Plan of Development including the attached Tracked Changes version, which must be received and approved prior to any subsequent development application being lodged;
- (b) All supporting reports including the following (timing in accordance with the Rocky Springs Environmental Management Plan):
  - (i) Site Based Management Plans (currently draft - updated at each precinct);
  - (ii) Threatened Species Management Plan (completed-updated at each precinct);
  - (iii) Bushfire Management Plan (completed-updated at each precinct);
  - (iv) Public Transport Strategy (preliminary, then detailed at each precinct);
  - (v) Integrated Water Management Plan (required at each Precinct or Stage Development Plan stage);
  - (vi) Construction Environmental Management Plan (required at Operational Works stage);
  - (vii) Lake Management Plan (required only if lake is proposed);
  - (viii) Waste Management Plan (required at each Precinct or Stage Development Plan stage as agreed by Council);
  - (ix) Site Stormwater Management Plan (required at Stage Development Plan stage);

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- (x) Soil Erosion and Sediment Control Plans (required at Material Change of Use and Reconfiguration of a Lot stages);
- (xi) Cultural Heritage Management Plan (Completed);
- (xii) Community Development Plan (required within 3 years following the first Operational Works approval);
- (xiii) Open Space Master plan (prior to approval of subsequent development applications);
- (xiv) Economic Development Strategy (required within 3 years following the first Operational Works approval);
- (xv) Hilltop Environmental Residential Sector Specialist/Supporting Reports (required at relevant precinct); and
- (xvi) Ecological Assessment Reports (EAR) (required at each Precinct Stage), consisting but not being limited to the following:
  - o Regional Ecosystem and Local Ecosystem vegetation mapping (below 1:50,000 State-wide Regional Ecosystem Mapping);
  - o Survey (including survey methods approved by Council) for flora, fauna, important habitat including seasonal variations; and
  - o Mapping of the Black-throated Finch foraging, water and nesting resources for the whole development site, identifying opportunities to protect and enhance the resources, unless otherwise agreed in writing by Council.

If the EAR identifies important habitat or species, these must be protected and/or managed for conservation and natural vegetation retention, in addition to the Core Habitat, Linear Conservation and Conservation Sectors.

### 3. Local Government Planning requirements

Unless otherwise specified within the Plan of Development or an Infrastructure Agreement, the current Local Government Council Planning requirements, Standards, Policies, Guidelines and/or Planning Scheme will apply to the proposed development and all subsequent development applications.

### 4. Specialist/Supporting Reports

All specialist/supporting Reports identified within the Plan of Development including the Environmental Management Plan, must be submitted at the time specified within Condition 2 and/or as part of each subsequent development application.

### 5. Hilltop Environmental Residential Sector Specialist/Supporting Reports

Specialist/Supporting Reports assessing potential impacts from development within the Hilltop Environmental Residential Sector on the environment and public safety, must be submitted as part of each subsequent development application within this sector, and include, but not be limited to the following:

- Habitat connectivity and fragmentation ('edge effects');
- Aquifer recharge;

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- Hydrology and impact on downstream environments;
- Geomorphology;
- Scenic amenity;
- Vegetation survey and mapping (1:10,000 Regional Ecosystem and Biodiversity mapping);
- Bushfire risk, public safety and provision of fire fighting infrastructure;
- Presence of protected species and high value habitat;
- Soil Erosion;
- Slope stability;
- Provision of services such as water, sewer, electricity and telecommunications;
- Stormwater;
- Weeds and pests; and
- Domestic animals.

The scope of the reports used within the Hilltop Environmental Residential Sector must be jointly agreed to by the developer and Council.

If the Specialist/Supporting Reports conclude that development is unsustainable or poses an unacceptable environmental impact to Council, then the Sector must not be developed.

### 6. Concept Land Use Plan

"Map 3 Concept Land Use Plan" within the Plan of Development which illustrates an indicative, ultimate development plan for the site, based on the outcomes of the Plan of Development and the Environmental Management Plan is conceptual only. Development of the site may defer from Map 3 Concept Land Use Plan as further detailed planning is undertaken to determine and approve the final layout of the overall development, provided it can be demonstrated that the development still satisfies the outcomes of the Rocky Springs Place Code and Desired Environmental Outcomes of the current Local Government Planning Scheme.

### 7. Infrastructure Agreement

- (a) An Infrastructure Agreement between the developer and Townsville City Council must be agreed to and be entered into, prior to the approval of any subsequent development applications over the development site. The Infrastructure Agreement must provide for, but not be limited to, responsibility for infrastructure delivery, all cost impacts on existing and future infrastructure plans, and all cost impacts on existing infrastructure that this development causes.

Note: The cost impacts will be determined in accordance with Council's current principles and/or policies in place, where relevant.

- (b) Any Infrastructure Agreement entered into between the Developer and Townsville City Council may be amended by subsequent Infrastructure Plans and Charges Schedules adopted by Council.
- (c) The Infrastructure Agreement must include but not be limited to the provision of the following infrastructure:
  - (i) Water Supply;
  - (ii) Sewerage;
  - (iii) Stormwater Drainage Network;
  - (iv) Road Network (Transport);
  - (v) Bikeways/Pathways;
  - (vi) Public Open Space and Recreation; and
  - (vii) Community Facilities

### 8. Water Supply, Sewerage Reticulation and Effluent Re-Use

- (a) The development must be serviced by reticulated water supply and sewerage systems as part of any subsequent development applications.
- (b) The developer must carry out relevant water supply, effluent re-use and sewerage works external to the development to connect the development to Council's existing networks.
- (c) The development must be serviced by reticulated effluent re-use system(s) as part of any subsequent development application.

Note: The system(s) related to in this condition refers to the infrastructure to be constructed.

### 9. Sewage Treatment Plants

Any proposed sewage treatment plants constructed as part of this development must include the following as part of any subsequent development application:

- (a) A minimum buffer distance which must be the greater of the minimum listed below, or as determined through odour modelling, or in accordance with Council's standards as part of any subsequent development application:
  - 300 metres for small (<7,000 equivalent person) Sewage Treatment Plant/s.
  - 400 metres for large (>7,000 to 50,000 equivalent person) Sewage Treatment Plant/s;
- (b) Treated effluent to the reticulated effluent re-use systems, in accordance with Council's policies and standards.



### 10. Stormwater Drainage

- (a) The developer must submit a Stormwater Drainage Master Plan for the development, including an assessment of inflows from catchments other than the site, prior to the approval of any subsequent development applications over the site.
- (b) Stormwater drainage design for each precinct must be submitted to Council, prior to the approval of any subsequent development applications over the site, and must include the following:
  - (i) All external catchments discharging to the site must be accepted and accommodated within the development's stormwater drainage system;
  - (ii) No interference with, or prejudice to the external stormwater catchments (including urbanisation) associated with future development unless as otherwise agreed by all relevant parties and evidenced in writing to Council;
  - (iii) No interference with the natural flow of stormwater within the locality, in such a manner as to cause ponding or concentration of stormwater on adjoining lands or roads owned by others, unless as otherwise agreed by all relevant parties and evidenced in writing to Council;
  - (iv) No changes in the rate or volume of stormwater flows, or changes in stream levels and velocities upstream of, adjacent to, or downstream of the site, unless as otherwise agreed by all relevant parties and evidenced in writing to Council;
  - (v) Analyse all areas within the catchments (including external upstream and downstream) as if they were all fully developed when constructing the drainage system throughout the site (assuming that all external upstream sites undertake their own adequate detention and flood mitigation measures to ensure no concentration of, or increase in levels or in velocity upstream or adjacent to or downstream of the site);
  - (vi) A flood study to determine the levels for the defined flood event to enable the minimum fill levels and floor levels for habitable rooms in future dwellings erected on the site.

### 11. Stormwater Discharge Quality

- (a) The developer must submit a Stormwater Discharge Quality Master Plan for the development, prior to the approval of any subsequent development applications over the site.

- (b) An Urban Stormwater Quality (USQ) assessment report which details the treatment system and devices proposed within each precinct, must be submitted to and approved by Council prior to the issue of any subsequent development application over the site, to ensure adequate quality of stormwater flows are discharged from the site.

### 12. Lake

Any proposed lakes must have an approved water balance model, must demonstrate the proposed need for and use for a lake, and must ensure that water levels and the quality of the water retained within the lake can be maintained in a healthy condition throughout the varying seasonal conditions, without risk to public health or a high cost to Council.

### 13. Internal Road Network and Parking

The internal road network must include the following as part of any subsequent development applications:

- (a) Detailed design assessments in terms of the primary function of each type of road that influences driver behaviour, speeds, access, acoustic environment, traffic types, residential amenity and traffic volumes that are appropriate to that function;
- (b) Carriageways that can satisfactorily permit the movement of all vehicles which could reasonably be expected to use that particular road classification;
- (c) A minimum of 90% of all lots located within 400m walking distance of Public Transport;
- (d) Adequate bus set down areas and associated facilities located along the public transport route(s);
- (e) Nodal points for bus/taxi interchanges with future provisions for long term parking for city commuters; and
- (f) A master plan of all on-street and off-street car parking areas associated with all shopping centres, business areas and any other designated retail and commercial areas.

### 14. Pedestrian and Bicycle Network Plan

A concept pedestrian and bicycle network plan must be provided for the overall development (including external connections), which shows a network of paths providing safe and convenient access for pedestrians and cyclists. This plan must be approved by Council prior to the approval of any subsequent development applications over the site.

### 15. External Road Connections

The developer must provide external road connections from the site to the Bruce and Flinders Highways. The road reserve widths and road carriageways must be sized to accommodate the traffic and services in accordance with Council policies and standards, or other standards as agreed in writing by Council.

### 16. Open Space Master Plan

The developer must submit an Open Space Master Plan in accordance with the Townsville Sport Recreation and Open Space Infrastructure Plan, prior to the approval of any subsequent development applications over the site, which must include but not be limited to, the general location of the following:

- (a) Parks including their type; and
- (b) Embellishments including but not limited to those identified within the Infrastructure Agreement, between the developer and Townsville City Council.

### 17. Community Facilities Master Plan

The developer must submit a Community Facilities Master Plan, prior to the approval of any subsequent development applications over the site, which must include but not be limited to, the general location of the following:

- (a) Community Meeting Spaces;
- (b) Public Library;
- (c) Aquatic Centre (if in agreement with Council); and
- (d) Council Works depot.

### 18. Noise Mitigation

The developer must submit a noise report to ensure the acoustic impacts associated with road traffic and surrounding land uses (both existing and proposed) are at acceptable noise levels for all noise sensitive places within the approved development, prior to the approval of any subsequent development applications over the site. The noise report must include acoustic solutions to ensure an appropriate level of acoustic amenity and an appropriate urban form outcome.

### 20. Screening

Visual screening to the satisfaction of Council within the design of all proposed reservoirs and pumping stations, must be submitted to and be approved by Council, prior to any subsequent development application including reservoirs and pumping stations associated with the site being issued.

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### **CONCURRENCE AGENCY RESPONSE – DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT (DERM) (ENVIRONMENTALLY RELEVANT ACTIVITY – SEWERAGE TREATMENT PLANT), FORMALLY THE ENVIRONMENTAL PROTECTION AGENCY**

Pursuant to Section 3.3.16(1) of the *Integrated Planning Act 1997*, the Department of Environment and Resource Management (ERA-Sewerage Treatment Plant) advises that the proposal is approved with conditions of development as attached.

### **CONCURRENCE AGENCY RESPONSE – DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT (DERM) (VEGETATION CLEARING), FORMALLY THE DEPARTMENT OF NATURAL RESOURCES AND WATER**

Pursuant to Section 3.3.16(1) of the *Integrated Planning Act 1997*, the Department of Environment and Resource Management (Vegetation Clearing) advises that the proposal is approved with conditions of development as attached.

### **CONCURRENCE AGENCY RESPONSE – DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT (CONTAMINATED LAND), FORMALLY THE ENVIRONMENTAL PROTECTION AGENCY**

Pursuant to Section 3.3.16(1) of the *Integrated Planning Act 1997*, the Department of Environment and Resource Management (Contaminated Land) advises that the proposal is approved with conditions of development as attached.

### **CONCURRENCE AGENCY RESPONSE – DEPARTMENT OF TRANSPORT AND MAIN ROADS, FORMALLY THE DEPARTMENT OF MAIN ROADS**

Pursuant to Section 3.3.16(1) of the *Integrated Planning Act 1997*, the Department of Transport and Main Roads advises that the proposal is approved with conditions of development as attached.

### **CONCURRENCE AGENCY RESPONSE – DEPARTMENT OF TRANSPORT AND MAIN ROADS, FORMALLY QUEENSLAND TRANSPORT**

Pursuant to Section 3.3.16(1) of the *Integrated Planning Act 1997*, the Department of Transport and Main Roads advises that the proposal is approved with conditions of development as attached.

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### **ADVICE AGENCY RESPONSE – POWERLINK (ELECTRICITY INFRASTRUCTURE)**

Pursuant to Section 3.3.16(2) of the *Integrated Planning Act 1997*, Powerlink (Electricity Infrastructure) advises that the proposal is approved and provided conditions of development as advice which are attached. They also offered other advice about future applications, and provided information on their draft State Transmission Code.

### **ADVICE AGENCY RESPONSE – DEPARTMENT OF INFRASTRUCTURE AND PLANNING (DIP), FORMALLY THE DEPARTMENT OF LOCAL GOVERNMENT, PLANNING, SPORT AND RECREATION**

Pursuant to Section 3.3.16(2) of the *Integrated Planning Act 1997*, the Department of Infrastructure and Planning, formally the Department of Local Government, Planning, Sport and Recreation recommended conditions as advice, which are attached.

**ASSESSMENT MANAGER**

**DATE >> 22/04/2010**

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### Advice

#### 1. Satisfaction of Approval Conditions

Unless explicitly stated elsewhere in this permit, all requirements of the conditions of this approval must be satisfied prior to the approval of any subsequent development applications over the site, or unless otherwise agreed in writing by Council.

#### 2. Limitation of Approval

The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application (including its supporting material provided to it by the Applicant). The Council and its officers rely upon the Applicant and certification by a RPEQ concerning the accuracy and completeness of the application and its supporting material, and accepts the application and supporting material as constituting a representation by the Applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the Applicant agrees to indemnity and save the Council harmless in respect of any claim so arising.

#### 3. North Queensland Gas Pipeline easement

Development within 350 metres of the North Queensland Gas Pipeline easement must comply with AS2885 or the current standard at the time.

**ASSESSMENT MANAGER**

**DATE >>**