

Date >> 16 December 2016

**Maidment Land Pty Ltd**  
C/- Brazier Motti Pty Ltd  
595 Flinders Street  
TOWNSVILLE QLD 4810

Via email: [townsville@braziermotti.com.au](mailto:townsville@braziermotti.com.au)

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## DEVELOPMENT APPLICATION DECISION NOTICE

### *Sustainable Planning Act 2009 (SPA)*

The Development Application for **Preliminary Approval – Material Change of Use (Impact) (MI13/0020) Preliminary Approval for Development in Accordance with a Plan of Development for Residential and Open Space Land Use** was assessed and **APPROVED SUBJECT TO CONDITIONS**. The decision was made on **13 December 2016**.

The following schedule provides all the relevant details.

- 1. Applicant details**

Name and address	Maidment Land Pty Ltd C/- Brazier Motti Pty Ltd 595 Flinders Street TOWNSVILLE QLD 4810
Applicant reference	29690-1-1
- 2. Property description**

Assessment number	10202001
Property address	829 Brabon Road BEACH HOLM QLD 4818
Legal description	Lot 267 EP 1719 and Lot 256 SP 196179
- 3. Application details**

Application number	MI13/0020
Approval applied for	Preliminary Approval
Development type	Material Change of Use (Impact)
Description	Preliminary Approval for Development in Accordance with a Plan of Development for Residential and Open Space Land Use
Assessed under	City of Thuringowa Planning Scheme 2003
- 4. Preliminary approval under s.242 of the *Sustainable Planning Act 2009*.**

The following variation is approved.
- 5. Deemed approval**

The application has not been deemed to be approved under s.331 of the *Sustainable Planning Act 2009*.

**6. Conditions**

The conditions of this approval are set out in the Schedule of Conditions (attached). The conditions are identified to indicate whether the assessment manager or a concurrence agency imposed them.

**7. Further development permits required for this development**

Further Development Permits are required in accordance with this Development

**8. Compliance assessment required under part 10 of the *Sustainable Planning Act 2009*.**

No further Compliance Assessment is required for this Development

**9. Code for self assessable development**

All self assessable development related to the development approval must comply with City of Thuringowa Planning Scheme 2003 and Sanctum West Plan of Development affecting this site.

**10. Referral agencies**

Concurrence agency >> North Queensland State Assessment and  
Referral Agency  
PO Box 1732  
TOWNSVILLE QLD 4810

Advice agency >> Powerlink Queensland  
PO Box 1193  
VIRGINIA QLD 4014

**11. Submissions**

There was 1 properly made submission about this application (See below).

Principle Town Planner  
Ergon Energy  
PO Box 264  
FORTITUDE VALLEY QLD 4006

**12. Conflict with a relevant instrument**

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

**13. When approval lapses**

Section.341 of the *Sustainable Planning Act 2009* establishes when an approval lapses.

**14. Rights of appeal**

Chapter 7, Part 1 and Part 2 of the Sustainable Planning Act 2009 detail appeal rights afforded to the applicant and submitter to the Planning and Environment Court or Building and Development Dispute Resolution Committees. Further information in relation to how to proceed to an appeal is enclosed.

# TOWNSVILLE CITY COUNCIL



Yours faithfully

*Neil Davis*

**For Assessment Manager**

Development Services

Appendices >>      Conditions and  
Rights of Appeal.  
Enclosed >>      Approved Plans,  
Referral Agency's Responses,  
Sanctum West Plan of Development and  
Associated Reports

## SCHEDULE OF CONDITIONS

### MATERIAL CHANGE OF USE (IMPACT)

MI13/0020

### PRELIMINARY APPROVAL FOR DEVELOPMENT IN ACCORDANCE WITH A PLAN OF DEVELOPMENT FOR RESIDENTIAL AND OPEN SPACE LAND USE

#### 1. Site Layout

- a) The proposed development must generally comply with drawing(s) as referenced in the table below and attached as stamped "Approved Subject to Conditions", except as otherwise specified by any condition of this approval.

DRAWING NAME	DRAWING No.	JOB NO.	PLAN DATED
Map 1 Structure Plan	29690/007 B	29690/1-1	14 October, 2016
Map 2 Neighbourhood Master Plan	29690/013 C	29690/1-1	14 October, 2016
Map 3 Residential Staging Plan	29690/012 E	29690/1-1	18 June 2014
Map 4 Open Space Master Plan	29690/014 B	29690/1-1	14 October, 2016
<b>PLAN OF DEVELOPMENT</b>			
Sanctum West Plan of Development (20 October 2016)			
<b>REPORTS</b>			
Conceptual Stormwater Quality Management Plan (Report No: PLD100/R02-A, dated 11 December 2012) prepared by UDP Consulting Engineers			
Preliminary Traffic and Transport Impact Assessment - Report No. TMAI001, Revision A dated 17 December 2013, prepared by UDP Horman Traffic			
Sanctum West Flood Study and Mitigation Options Report (with Ref No. 60310494, prepared by AECOM dated 18 December 2013)			

- b) The proposed development must comply with all conditions of this approval prior to commencement of the use.
- c) The recommendations outlined in the above reports must be implemented prior to the commencement of the use.

## 2. General

The Material Change of Use (Preliminary Approval override the planning scheme) relates to the change in the planning designation from the Rural Planning Area, sub-area Rural 40 to use rights in accordance with the Residential Planning Area and Open Space Planning area of the City of Thuringowa Planning Scheme 2003, or where outlined in the Sanctum West Plan of Development (20 October 2016) to comply with the provisions of the Townsville City Plan (2014). Any subsequent development applications will be assessed against the Plan of Development and the applicable provisions of the Townsville City Plan (2014), or as amended, for the areas outlined on Map 1 Structure Plan, No. 29690/007 B, dated 14 October 2016, except where varied by the conditions of this approval.

## 3. Amended Structure Plan

- a) Map 1 Structure Plan, No. 29690/007 B, dated 14 October 2016, prepared by Brazier Motti is conceptual only. Further detailed planning will be required to determine and approve the final layout of the residential development as part of subsequent reconfiguration applications. Additional studies will be required as part of the conditions of this approval and the subsequent approval process. As part of the submission and acceptance of additional studies, an updated Structure Plan must be submitted to Council for approval.
- b) Map 1 Structure Plan, No. 29690/007 B, dated 14 October 2016, prepared by Brazier Motti must be amended to reflect the existing electricity easement along with any future easement within the site. The location of residential development must be outside of any buffer area required by Powerlink in accordance with the Advice Agency response dated 10 July 2013.

## 4. Delivery of Development Infrastructure

The developer must provide all necessary internal infrastructure prior to and post the development site being included in Council's Priority Infrastructure Area (PIA).

Further, the developer must provide all necessary trunk infrastructure prior to the site being included in Council's PIA.

After the inclusion of any part of the development site into Council's PIA, required trunk infrastructure for water, wastewater, roads and open space for that area will be provided by council subject to inclusion into council's capital works program.

Where trunk infrastructure is required by the developer in advance of council's capital works program, the developer must enter into a formal agreement for the trunk infrastructure works to be constructed.

## 5. Water and Sewerage Supply

- a) The developer must construct all water and sewer reticulation infrastructure required to service the development to be serviced by reticulated water supply and sewerage at the cost of the developer in accordance with Council's current standards.
- b) The developer must carry out water supply works and sewerage works (i.e. necessary network infrastructure upgrades) external to the development to connect the premises to Council's existing water supply at a point where sufficient capacity exists to service the premises, all to the requirements and satisfaction of Council.

## 6. Internal Road Network

- a) The internal road network will be subject to detailed design assessment in terms of the primary function of each type of road that influences driver behaviour, speeds, access, acoustic environment and traffic volumes that are appropriated to that function as part of subsequent reconfigurations stages over the subject land.
- b) The internal road network must provide carriageways that satisfactorily permit the movement of all Public Transport vehicles and comply with a minimum of 90% of all lots being located within 400m walking distance of Public Transport.
- c) The design of future road carriageways designated as public transport route must be provided to satisfactorily permit the movement of all Public Transport vehicles. Similarly, adequate bus set down areas must be provided along the public transport route (excluding shelters) in accordance with Council's current requirements.

## 7. External Road Connections

- a) The developer must provide all road infrastructure including necessary road network upgrades required to connect the relevant stage of development with existing Council road infrastructure.
- b) The roads must be of a cross section required to accommodate the expected traffic in accordance with Council current standards or such other standard that may be agreed between Council and the developer.

## 8. Traffic Impact Assessment

For each subsequent development application for Reconfiguring a Lot over the subject land, the developer must prepare and submit a stage specific Traffic Impact Assessment in accordance with Council's current requirements and generally in accordance with the Preliminary Traffic and Transport Impact Assessment - Report No. TMAI001, Revision A dated 17 December 2013, prepared by UDP Horman Traffic that identifies the following but not limited to:

- Internal road requirements e.g. appropriate function and characteristics of proposed road hierarchy, LATM provisions, typical road cross sections etc.;
- A detailed assessment of impacts onto existing road network; and
- Any necessary road network infrastructure upgrade.

## 9. Stormwater Drainage

- a) Prior to the approval of any subsequent development application for Reconfiguring a Lot, an overall master drainage study must be undertaken for the subject site. This study, which must also include an assessment of inflows from catchments other than the subject site, must be submitted to Council for approval.
- b) Designs for stormwater drainage associated with the approved development must be in accordance with Council's adopted standards.
- c) All external catchments discharging to the subject site must be accepted and accommodated within the development's stormwater drainage system.
- d) The development and use must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.
- e) The developer must construct such work as is necessary to ensure that there is no concentration of, or increase in levels or velocities of stormwater discharged to lands owned by others.

## 10. Stormwater Quality Management

- a) Prior to the approval of any subsequent development application for Reconfiguring a Lot, a stage specific stormwater quality management plan (SQMP) must be submitted to and be accepted by Council. The SQMP must be prepared by a suitably qualified person.

In particular, the SQMP must adopt the Council's current stormwater quality strategy and policy and the Conceptual Stormwater Quality Management Plan (Report No: PLD100/R02-A, dated 11 December 2012) prepared by UDP Consulting Engineers.

- b) The SQMP must be implemented in accordance with the guideline and incorporate any further reasonable requests from council. All works must be carried out in accordance with council Development Specifications.

## 11. Flooding

- a) All lots created by this development must be constructed to be above the defined flood level (i.e. 1% AEP Defined Flood Event) in accordance with Council's standards.

- b) Prior to the approval of any subsequent development application for Reconfiguring a Lot, the developer must prepare and submit a hydraulic report in accordance with Council's current requirements and as per the Sanctum West Flood Study and Mitigation Options Report (with Ref No. 60310494, prepared by AECOM dated 18 December 2013) that:
- Determines required development levels;
  - Identifies the works required to achieve this level of immunity; and
  - Demonstrates that the works have no impact on flooding of surrounding lots.
- c) The developer must carry out necessary flood mitigating works as recommended and outlined in the Sanctum West Flood Study and Mitigation Options Report prepared by AECOM dated 18 December 2013.

Advisory Notes:

- *While Council acknowledges the benefits of adopting flood mitigation Option 2 (Drain with outlet directly to the Black River north of the site) of the above report, further refinement to the proposed strategy is required for the results of the modelling also suggests minor increase in flood levels adjacent to Coutts Drive and Jamaica Crescent in Bushland Beach.*
- *Furthermore, it is noted that the above report contains layout plans that are inconsistent with the development layout represented for Option 2.*

## 12. Noise Mitigation

- a) Prior to the approval of any subsequent development application for Reconfiguring a Lot, a Noise Impact Assessment report must be submitted to Council for approval.
- b) The assessment must ensure the acoustic impacts associated with road traffic on the North Shore Boulevard extension and Svensson Road, and surrounding land uses, (both existing and proposed) are at acceptable noise levels for all noise sensitive places within the subject site for the approved development.
- c) The detailed acoustic report referred to in Condition 12 (a) must provide recommended noise mitigation solutions and must be approved by Council prior to the approval of any subsequent reconfiguration applications over the subject land or as varied and approved by Council.



## 13. Vegetation Management Master Plan

The developer must submit a vegetation management plan (VMP) for each stage of reconfiguration / or an overall VMP for the subject land which must be approved by Council prior to the approval of subsequent reconfiguration applications and include the following –

- a) Detail the existing vegetation that can be retained within existing creek lines, proposed open space areas and within the residential designated land;
- b) Detail the areas that are proposed to be cleared as part of the residential development; and
- c) Detail the existing creek lines that are proposed to be rehabilitated via weed removal and additional native plantings in terms of a planting schedule and maintenance period.

*Note: The vegetation management plans can be submitted by the developer for each stage of reconfiguration or an overall master plan can be submitted for the approved of Council.*

## 14. Open Space Master Plan

The developer is required to submit, for Council approval, a more detailed Open Space Master Plan addressing the full range of open space requirements for the development area. The Open Space Master Plan must address the following:

- Provision guidelines for recreational open space as follows:

Local recreation	1.0ha/1000 persons
District recreation	0.4ha/1000 persons
District sport	1.2ha/1000 persons
- Any land provisions will need to be fit for purpose and capable of being fully developed in accordance with the requirements of the Plan of Development and the Development Manual.
- The Plan must also consider other types of open space such as link parks, environmental areas, and drainage/flood-prone areas in addition to the above.
- The Open Space Master Plan must be consistent with the Pedestrian and Bicycle Network Plan and the Black River Environmental Management and Rehabilitation Plan.
- The Open Space Master Plan must include conceptual landscape development plans for proposed open space and other significant landscape works.

- Infrastructure charges offsets will only be applicable to parks identified as trunk parks (having a district role) that meet the criteria for a district park in accordance with the priority infrastructure plan definitions.
- The Open Space Master Plan must be submitted to council, for approval, as part of the Reconfiguration of Lot application for the first stage of development.

## 15. Pedestrian and Bicycle Network

The developer is required to submit to council, for approval, a Pedestrian and Bicycle Network Plan addressing the provision of linkages within the entire development site and external connections to adjacent areas. The plan must illustrate a network of paths providing safe and convenient access for pedestrians and cyclists and must be submitted as part of the Reconfiguration of Lot application for the first stage of development.

## 16. Black River Environmental Management and Rehabilitation Plan

A minimum 100 metre buffer from the defined bank of the Black River *or otherwise agreed by Council* must be provided as part of the approved development to protect the existing riparian vegetation and habitat linkages. An environmental management and rehabilitation plan must be submitted and approved by Council for the protection and management of the environmental corridor (Black River) passing through the subject land. The rehabilitation management plan must include, but not be limited to, the following minimum requirements:

- A detailed description of the environmental values of the site, including the physical and biological condition of the site;
- A detailed assessment of environmental weeds present on the site;
- A detailed weed management program;
- A detailed rehabilitation plan addressing the revegetation of any disturbed or eroding areas, and the enhancement and rehabilitation of habitat utilising local native plant species;
- The removal of any accumulation of rubbish, car bodies, building materials and the like, from the site;
- Methods to manage unauthorised vehicular access.
- A description of the future monitoring, management and protection of revegetation and rehabilitation works.
- The environmental management and rehabilitation Plan must be submitted to council, for approval, as part of the Reconfiguration of Lot application for the first stage of development.

## **Concurrence Agency Conditions – Department of State Development, Infrastructure and Planning**

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of State Development, Infrastructure and Planning advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use subject to conditions, as attached. The applicant must comply with the Department of State Development, Infrastructure and Planning conditions as outlined in the Department's correspondence dated 15 December 2014.

## **Concurrence Agency Conditions – The Department of Environment Protection Agency**

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of State Development, Infrastructure and Planning advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use subject to conditions, as attached. The applicant must comply with the Department of State Development, Infrastructure and Planning conditions as outlined in the Department's correspondence dated 5 November 2014.

## **Advice Agency – Powerlink Queensland**

Pursuant to Section 292 of the *Sustainable Planning Act 2009*, Powerlink Queensland advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use, as attached.

## ADVICE

### 1. Infrastructure Charges

In accordance with Council's infrastructure charges resolution that is current at the time of payment, the developer must contribute towards (but not limited to) the provision of the following infrastructure for the subsequent development approvals over the subject land.

**Advice Note:** *When Council has adopted a Priority Infrastructure Plan (PIP) for relevant infrastructure charges associated with the subsequent lodgement of development applications over the subject lands then charges will be applied in accordance with the PIP at the time of payment.*

### 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 concerning the accuracy and completeness of the application and its supporting material and accept the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. In so far 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.

## RIGHTS OF APPEAL

Applicant and submitter have appeal rights under Chapter 7, Part 1 of the *Sustainable Planning Act 2009*. Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website:

<http://www.courts.qld.gov.au/courts/planning-and-environment-court>

In addition Chapter 7, Part 2 of the *Sustainable Planning Act 2009* affords the opportunity to proceed to an appeal to a Building and Development Dispute Resolution Committee. Appeals to the Building and Development Dispute Resolution Committees may be addressed to:

Building and Development Dispute and Public Works  
Department of Housing and Public Works  
GPO Box 2457  
BRISBANE QLD 4001

Or to the committees' website:

<http://hpw.qld.gov.au/construction/BuildingPlumbing/DisputeResolution/Pages/BuildingDevelopmentDisputeResolutionCommittees.aspx>

The Committees' Registrar contact details are as follows:

Phone: 1800 804 833

Email: [registrar@qld.gov.au](mailto:registrar@qld.gov.au)