

5. **Deemed approval**
The application has not been deemed to be approved under s.331 of the *Sustainable Planning Act 2009*.
6. **Conditions**
Assessment manager's conditions (Refer to attached Schedule of Conditions).
7. **Further development permits required for this development**
Development Permit - Building Work
8. **Referral agencies**
Concurrence agency >> Department of Transport and Main Roads
PO Box 1089
TOWNSVILLE QLD 4810

Advice agency >> Not Applicable
9. **Conflict with a relevant instrument**
The assessment manager does not consider that this decision conflicts with a relevant instrument.
10. **When approval lapses**
S.341 of the *Sustainable Planning Act 2009* establishes when an approval lapses.
11. **Rights of appeal**
Attached is an extract from the *Sustainable Planning Act 2009* which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

Appeals by applicants

An applicant for the development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application;
- any conditions of a development approval, another matter stated in a development approval and the identification or inclusion of a code under s.242 of the *Sustainable Planning Act 2009*;
- the decision to give a preliminary approval when a development permit was applied for;
- the length of a period mentioned in s.341;
- a deemed refusal of the development application;

The timeframes for starting an appeal in the Planning and Environment Court are set out in s.461(2) of the *Sustainable Planning Act 2009*.

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Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, refer to the *Sustainable Planning Act 2009*, chapter 7, part 2.

Should an applicant not wish to appeal or make written representations in accordance with s.361 of the *Sustainable Planning Act 2009*, the applicant may provide council with a written statement advising agreement with the decision notice and subsequently waiving the rights of appeal. This action will result in the finalisation of the applicant's appeal period.

Yours faithfully

A handwritten signature in black ink, appearing to read "C. Jones".

For Assessment Manager
Planning and Development

Encl.

DEVELOPMENT PERMIT

**MATERIAL CHANGE OF USE
5 X DUAL OCCUPANCY (MC10/0062)**

SCHEDULE OF CONDITIONS

1. Site Layout

- a) The proposed development must generally comply with plans prepared by DKO Architecture as referenced in the table below, which forms part of this application, except as otherwise specified by any condition of this approval.

DRAWING NAME	DRAWING NO.	REVISION ISSUE.	STAMP DATE
Group Site Plan 01	100/01	F	10 September 2010
Group Site Plan 02	100/02	F	10 September 2010
Lot 2 - Type A Ground Floor Plan	200/02	F	10 September 2010
Lot 2 - Type A First Floor Plan	200/03	F	10 September 2010
Lot 2 - Type A North/South Elevations	200/06	F	10 September 2010
Lot 2 - Type A East/West Elevations	200/07	F	10 September 2010
Lot 3 - Type C Ground Floor Plan	300/02	F	10 September 2010
Lot 3 - Type C First Floor Plan	300/03	F	10 September 2010
Lot 3 - Type C North/South Elevations	300/06	F	10 September 2010
Lot 3 - Type C East/West Elevations	300/07	F	10 September 2010
Lot 4 - Type B Ground Floor Plan	400/02	F	10 September 2010
Lot 4 - Type B First Floor Plan	400/03	F	10 September 2010
Lot 4 - Type B North/South Elevations	400/06	F	10 September 2010
Lot 4 - Type B East/West Elevations	400/07	F	10 September 2010
Lot 6 - Type B Ground Floor Plan	600/02	F	10 September 2010
Lot 6 - Type B First Floor Plan	600/03	F	10 September 2010

Lot 6 - Type B North/South Elevations	600/06	F	10 September 2010
Lot 6 - Type B East/West Elevations	600/07	F	10 September 2010
Lot 8 - Type A Ground Floor Plan	800/02	F	10 September 2010
Lot 8 - Type A First Floor Plan	800/03	F	10 September 2010
Lot 8 - Type A North/South Elevations	800/06	F	10 September 2010
Lot 8 - Type A East/West Elevations	800/07	F	10 September 2010

- b) The proposed development must comply with all Planning Scheme requirements as applying at the date of this application, except as otherwise specified by any condition of this approval.
- c) One full set of the most up to date approved plans must be held on site, and available for inspection, for the duration of the construction phase.

2. Amended Plans

Prior to the issue of a development permit for building works, revised plans of development must be submitted to Council which identify a storage room with a minimum area of 6m², a minimum uninterrupted internal dimension of 1.5m², and a height of not less than 2.1m provided to each dwelling unit.

3. Water Supply and Sewerage Headworks Contributions

The developer must pay a water supply and sewerage headworks contribution in accordance with *City Plan Policy 3 – Contributions, Section 2 – Headworks*. Payment of such a contribution must be made prior to the issuing of the Development Permit – Building Work for the development. The amount of the contribution must be calculated in accordance with the provisions of the Policy and at the rate applicable at the time payment is made.

4. Road Network Headworks Contribution

The developer must pay a road network headworks contribution in accordance with *City Plan Policy 3 – Contributions, Section 5 – Road Network Headworks*. Payment of such a contribution must be made prior to the issuing of the Development Permit – Building Work for the development. The amount of the contribution must be calculated in accordance with the provisions of the Policy and at the rate applicable at the time payment is made.

5. Stormwater Drainage Headworks Contribution

The developer must pay a stormwater drainage headworks contribution in accordance with *City Plan Policy 3 – Contributions, Section 6 – Stormwater Drainage Headworks*. Payment of such a contribution must be made prior to the issuing of the Development Permit – Building Work for the development. The amount of the contribution must be calculated in accordance with the provisions of the Policy and at the rate applicable at the time payment is made.

6. Open Space Contribution in Lieu of Land

Should it be the intention that the dwelling units are to be held under separate title (strata titled), the developer must pay an open space contribution in accordance with *City Plan Policy 3 – Contributions, Section 3 – Public Open Space*. Payment of such a contribution must be made prior to signing of the building format plan. The amount of the contribution must be calculated in accordance with the provisions of the Policy and at the rate applicable at the time payment is made.

7. Building Materials

Prior to the issue of a Development Permit for Building Work, the developer must submit to, and be approved in writing by Council details of the external building materials and colours to be used as part of this development. In particular all buildings and structures associated with the use must be constructed from materials and painted an appropriate colour that is sympathetic to the surrounding built form, does not cause excessive glare and achieves a high level of visual integration with the surrounding environment.

8. Lighting

The developer must ensure all internal and external lighting is fitted with shades and erected in a manner that ensures that adjoining premises and roads are not affected.

9. Property Numbering

Effective property numbers must be erected at each of the premises prior to the commencement of the use and be maintained to the satisfaction of the Council.

The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.

10. Drying Facilities

The developer must provide adequate clothes drying facilities. Where applicable clothes drying facilities must be screened from any street or adjacent property.

11. Letterboxes

The developer must ensure the location of the letter boxes on site is sufficient to cater for the units and is designed in such a way that enhances community safety through discouraging crime and anti-social behaviour.

12. Screen Fencing

The developer must provide a visual screen between the sites and any adjoining land occupied by a residential building or any adjoining land contained in a Residential precinct in accordance with *City Plan Policy 2 Section 4 – Screen Fencing*.

Notwithstanding the above, with the written consent of the proprietor of any adjoining land, the screen on the boundary shared with that neighbour may consist of other materials or lesser height. For such a variation the developer must submit to and be approved by Council details of the alternative screen together with the written consent of the applicable adjoining owner prior to a Development Permit for Building Work being issued.

Unless written consent is obtained from the affected adjacent property owner, the developer must not construct a fence adjacent to the property boundary where it impedes the maintenance and serviceability of an existing boundary fence. Furthermore consultation with adjoining property owners is essential so an amicable result is achieved in respect to the removal or retention of any existing adjoining fence.

The screen must be erected/planted prior to the commencement of the use and maintained thereafter to the satisfaction of the Council.

13. Screening of Plant and Utilities

- a) The location of the air conditioning unit locations shown on drawing number 200/06, 200/07, 300/06, 300/07, 400/06, 400/07, 600/06, 600/07, 800/06 and 800/07 are approved.
- b) The applicant is required to submit details of aesthetic screens to be provided to the air conditioning units. This must be submitted to and approved by Council in writing prior to a Development Permit for Building Works being issued.
- c) The aesthetic screens must be installed prior to the commencement of the use and must be maintained thereafter to the satisfaction of Council.

14. Noise

The hours of construction and building work on site must be limited to between –

- * 6.30 a.m. to 6.30 p.m. Monday to Saturday; with
- * No work on Sundays or Public Holidays.

15. Refuse Facilities

Refuse collection arrangements must be provided by the developer in accordance with *City Plan Policy 2 - Development Standards, Section 8 - Provision for Refuse Services*. In particular,

- a) The resident of each unit is responsible for the storage of their mobile garbage (wheelie) bins including recycling bins. The developer must ensure that the storage area is to be suitably paved, with a hose cock fitted in close proximity
- b) The owner or occupier of the premises is required to have one mobile garbage (wheelie) bin and one of recycling is (collected bi weekly) per dwelling.
- c) An adequate area is to be made available along either street frontage of the subject allotments per dwelling for the collection of two mobile garbage (wheelie) bins and two recycling bins (collected bi weekly). When development is operational, please contact Environmental Health Services on 4727 9003 to commence refuse service.
- d) A minimum overhead clearance of 4200mm must be provided for refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- e) All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the Environmental Protection (Waste Management) Regulation 2000.

16. Relocation and Provision of Utilities

The developer must be responsible for any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development at no cost to Council.

17. Car Parking

- a) All car parking facilities, associated ramps and driveways must be constructed in accordance with Council Standards and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890 and must be maintained thereafter to that standard.
- b) Notwithstanding the above, the widths of car parking bays must be provided in accordance with the Parking and Access Code as contained in City Plan 2005 and must be maintained thereafter to that standard.

- c) The driveway, manoeuvring areas, car parking areas and paths must all be constructed of:
- * exposed aggregate concrete;
 - * interlocking pavers; or
 - * other alternative aesthetically pleasing materials to be approved in writing by Council prior to a Development Permit for Building Works being issued.
- d) The layout of the on-site car parking spaces must be designed to ensure that all vehicles entering and leaving the site may do so in a forward direction.
- e) The developer must provide a minimum of two (2) covered car parking spaces on each of the subject sites. Visitors to the site are permitted to park in a tandem arrangement for this development.

18. Stormwater Drainage

Certification by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) of the following requirements must be submitted to and endorsed by Council prior to a Development Permit for Building Works being issued.

- a) The development sites must be graded so that they are free-draining. All runoff from storms naturally falling onto the development sites (including roof runoff) must be collected within the property boundaries and discharged to the lawful point of discharge being either street frontage of the subject allotments or as agreed upon by Council.
- b) The developer must ensure that no ponding of stormwater occurs on adjacent allotments and that no stormwater formerly flowing onto this development site is diverted onto other neighbouring allotments.
- c) The developer must ensure that the post development discharge of stormwater from the subject land does not exceed pre-development peak flows.
- d) Overland flow paths and underground drainage must be designed so as not to directly or indirectly cause nuisance to a downstream or adjoining property.
- e) Following the completion of any works for the purposes of stormwater drainage, a stormwater drainage certificate from a Registered Professional Engineer of Queensland (RPEQ) must be submitted to and endorsed by Council. The stormwater drainage certificate must verify that the completed stormwater works associated with the proposed use has been constructed in accordance with the approved design.

19. Soil Erosion Minimisation, Sediment Control and Dust Control

- a) During the construction phase of this development the developer must be responsible for the installation and maintenance of adequate erosion and sediment control management, so as to achieve Specific Outcome SO3 of the *Works* code. The contingent design, implementation and maintenance of measures must be provided in accordance with *City Plan Policy 1 Section 12 – Soil Erosion and Sediment Control*.
- b) During the construction phase of this development the developer must be responsible for adequate mitigation measures being put in place for the suppression of dust so as not to cause a nuisance to neighbouring property.

20. Traffic Management

- a) The developer is responsible for all traffic management of the site. The contingent design, implementation and maintenance of traffic management measures during construction must be provided in accordance with *City Plan Policy 2 – Development Standards, Section 6 – TCC Variations to Aus-Spec (C201 - Control of Traffic)*.
- b) During the construction phase of the development all contractor's vehicles that are not able to be contained on site must only utilise space within the road reserve that directly fronts the subject allotment, unless otherwise approved by Council. Vehicles must not at any time obstruct footpath areas or sight lines within the vicinity of the development.
- c) All materials and machinery to be used during the construction period are to be wholly stored on the site unless otherwise agreed in writing by Council.

21. Street Fencing

Should a fence/wall be constructed along any of the subject street frontages it must allow the development to integrate with its streetscape. The developer must provide Council with plans of the fence/wall for written approval prior to a Development Permit for Building Works being Issued.

22. Roadworks and Traffic

- a) The developer must construct a new concrete invert and crossover across the footpath for each driveway access of each allotment at the developer's expense in accordance with Council's Standard Drawing *SD030 for Driveway Accesses*.
- b) The developer must remove the existing vehicle accesses including crossovers in the kerb and channel, replace with new kerb and channel and reinstate the footpath in accordance with Council's Standard Drawing for *Kerb and Kerb & Channel Details*.

23. Landscaping

- a) Prior to any works commencing on site a detailed landscaping plan is required to be submitted to and approved by Council for a compliance assessment against the applicable Landscaping Code and/or relevant approval.

The Landscape and Irrigation Design Plans must be prepared in accordance with the relevant sections of City Plan Policy 1.

As part of the landscaping plan the following items are to be included:

- * The footpath/road reserve along each street frontage must be turfed and provided with automated irrigation for the extent of the subject allotments.
 - * Mature street trees must be planted in accordance with *City Plan Policy 2 – Development Standards, Section 5 – Street Trees* and must be of a species selected for these sections of road.
 - * Details showing the areas identified for landscaping on the landscape concept plan submitted as part of this application being extensively landscaped including a mixed height canopy using mature dense plantings to Council's satisfaction.
- b) The landscape plans must be prepared by a suitably Qualified person who:
- * is a Qualified Landscape Architect with current membership to the Australian Institute of Landscape Architects; and/or
 - * is an experienced Landscape Designer
- c) All works must be completed in accordance with the approved landscaping plan and constructed to a standard detailed within City Plan Policy 2 – Development Standards. Following the approval of the plan, with or without amendments, the developer must implement the plan prior to the commencement of the use. Furthermore, all landscaped areas must be maintained thereafter to the satisfaction of Council.

24. Further Approvals

Compliance Assessment

Prior to any works commencing on site all engineering and landscaping works associated with this development are to be submitted to and approved by Council for a compliance assessment against the relevant codes as identified below:

- * Works Code
- * Parking and Access Code, and
- * Landscaping Code.

The works must comply with the provisions of these codes, detailed in Part 6, Division 4 of the City Plan and (where applicable) are to include:

- * Earthworks
- * Crossovers
- * Kerb and channel work
- * Landscaping including street plantings and irrigation within the road reserve
- * Internal stormwater management
- * Soil and sediment control measures

All engineering designs/documentation associated with such an application must be prepared and where necessary certified by a suitably qualified/experienced person.

PLEASE NOTE: THE COLLECTIVE SUBMISSION OF THE DOCUMENTATION SPECIFIED ABOVE WILL RESULT IN AN EXPEDITED AND INTEGRATED RESPONSE THAT WILL BE BENEFICIAL IN PRODUCING AN OVERALL DEVELOPMENT OUTCOME.

ADVICE

1. Strata Titling

Upon completion of works, if the units are not to be strata titled, they will require registration under the Townsville City Council By Laws Chapter 8. Please contact Environmental Health Services – Regulatory Services Unit on (07) 4727 9000 for an application form.

2. Noise

The hours of construction and building work on site must be limited to between –

- * 6.30 a.m. to 6.30 p.m. Monday to Saturday; with
- * No work on Sundays or Public Holidays.

3. Environmental Considerations

E.P.A. Requirements

Construction must comply with the Environmental Protection Act, Policies and Guidelines to prevent or minimise either environmental harm or nuisance.

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Concurrence Agency Conditions - Department of Transport & Main Roads

Pursuant to Section 287 of the *Sustainable Planning Act 2009*, the Department of Transport & Main Roads advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use subject to the conditions, as attached.

C. Jones
for ASSESSMENT MANAGER

DATE >> 22.09.2010

PRELIMINARY APPROVAL

BUILDING WORK

SCHEDULE OF CONDITIONS

1. The proposed development has been assessed against the relevant provisions of the City Plan 2005. However, assessment against the Building Act 1975, the Building Regulation 2006 and the Building Code of Australia is still required.
2. An application for a Development Permit - Building Work is required for the proposed development. This application needs to be approved prior to any works commencing on the site.
3. All building work is to comply with the Building Act 1975, the Building Regulation 2006 and the Building Code of Australia.


for **ASSESSMENT MANAGER**

DATE >> ..22.09.2010