



2.
**Queensland
Government**

3 August 2010

Chief Executive Officer
Townsville City Council
PO Box 1268
Townsville Qld 4810

Dear Sir/Madam

Referral agency response made pursuant to s. 287 of the *Sustainable Planning Act 2009 (Qld)*

Townsville Council: State-controlled road – 840 Douglas-Garbutt Connection Road
Proposal: Material Change of Use – 5x Dual Occupancy
Property description: Lots 7, 30, 38, 52 & 60 RP722981 (Subject Land)
Site locality: 2 Warren Court, Aitkenvale
10 Baldwin Street, Aitkenvale
9 Chambers Street, Aitkenvale
2 Ferris Court, Aitkenvale
11 Kenealy Street, Aitkenvale

Applicant: Defence Housing Australia C/- Tract Consultants

I refer to the above development application received by this office on 08 July 2010, seeking the Department of Transport and Main Roads' (the department) concurrence agency approval.

Pursuant to ss. 285 and 287 of the *Sustainable Planning Act 2009 (Qld)*, the department, as a concurrence agency, assessed the impact of the proposal on the state-controlled road network and requires Council to attach specific conditions to the decision notice. The table of *Conditions of Development and Statement of Reasons* are attached.

A copy of this letter along with the attached table of *Conditions of Development and Statement of Reasons* has been sent to the applicant. If you have any questions, please contact Sarah Dillon on 4720 7202.

Yours sincerely

David Atkinson
Regional Director (Northern)

Enc (1)

Department of Transport and Main Roads
Assets and Operations
Northern Region / Townsville Office
Ground Floor, 148 Wills Street
Townsville Queensland 4810
PO Box 1089 Townsville Queensland 4810

Our ref 830/982 DCT#2410
Your ref MC10/0062
Enquiries Sarah Dillon
Telephone +61 7 4720 7202
Facsimile +61 7 4720 7211
Website www.tmr.qld.gov.au
Email sarah.a.dillon@tmr.qld.gov.au



**Queensland
Government**

**Conditions of Development
and
Statement of Reasons**

Council Development Application Reference: MC10/0062
Townsville City: State-controlled road – 840 Douglas-Garbutt Connection Road
Proposal: Material Change of Use – 5x Dual Occupancy
Property description: Lots 7, 30, 38, 52 & 60 RP722981 (Subject Land)
Site locality: 2 Warren Court, 10 Baldwin Street, 9 Chambers Street, 2 Ferris Court, 11 Kenealy Street, Aitkenvale
Applicant: Defence Housing Australia C/- Tract Consultants

Conditions of Development		Reasons and Advisory Information	Jurisdiction for Conditions
Layout 1 Unless otherwise varied by a condition contained herein, the proposed development must comply with the following attached plans: a) <i>Group Site Plan 01</i> , Drawing Number 100/01, bearing date 14/05/2010 (Attachment 1) b) <i>Group Site Plan 02</i> , Drawing Number 100/02, bearing date 14/05/2010 (Attachment 2) 2 If any part of the development changes, a change being a difference to matters presented in the approved development plans on which the Department of Transport and Main Roads has based its assessment and these <i>Conditions of Development</i> , the change must be referred to the department, for the department's consideration. The Department of Transport and Main Roads reserves the right to amend these <i>Conditions of Development</i> in response to any proposed development changes.	1	To ensure the development proceeds in accordance with submitted plans.	1 s. 282 <i>Sustainable Planning Act 2009 (Qld)</i>
	2	The department must retain a right to amend its conditions where any changes in the proposed development may have an adverse impact on the safe and efficient operation of the state-controlled road network.	2 s. 369 <i>Sustainable Planning Act 2009 (Qld)</i>
Road Traffic Noise			
3	All habitable rooms of any dwelling located on Lot 7RP722981 and Lot 30RP722981 shall be designed and constructed to achieve or better the criteria stated in AS2107.	3 Lot 7RP722981 and Lot 30RP722981 are exposed to road traffic noise from the Douglas-Garbutt Connection Road. Treatments must be incorporated into any noise sensitive building located on the site.	3 Australian Standards: AS3671 and AS2107, and the department's <i>Road Traffic Noise Management: Code of Practice</i>

Conditions of Development		Reasons and Advisory Information	Jurisdiction for Conditions
4	In respect to Condition 3 above, AS3671 is to be used to guide the design of the architectural treatment requirements to the building envelope. To meet AS2107 requirements, all external openings will need to be closed when these habitable rooms are occupied. Therefore, an air-conditioning/mechanical ventilation system that does not degrade the internal acoustic environment or the sound isolation of the building envelope, and also meets the ventilation requirements of the <i>Building Code of Australia</i> , shall be installed.	4	4 Australian Standards: AS3671 and AS2107, and the department's <i>Road Traffic Noise Management: Code of Practice</i>

Advisory Information

The Department of Transport and Main Roads requests that Townsville City Council attach the following Advisory Information to its Decision Notice.

Advisory Note 1.

Any change in the intensity or manner of use of the Subject Land must be referred to the Department of Transport and Main Roads for approval (s 241 and 243 *Sustainable Planning Act 2009 (Qld)*)

Advisory Note 2.

Building Certifiers are advised not to issue a Certificate of Classification or Form 21 Final Certificate without first receiving written acknowledgement from the Department of Transport and Main Roads confirming the developer has complied with the departments' *Conditions of Development*.

Advisory Note 3.

The Department of Transport and Main Roads has not specifically reviewed the requirements of Local Government or other Referral Agencies or their conditions of development to manage road traffic noise or other forms of noise. In the event of a conflict between the departments' *Conditions of Development* to manage road traffic noise and Local Government or other Referral Agencies' conditions of development to manage road traffic noise or other forms of noise, the department's requirements shall not be compromised. Where the Local Government or other Referral Agencies' conditions of development are more stringent than the Department of Transport and Main Roads' with regard to noise, the applicant is to note that the implementation of Local Government or other Referral Agencies' conditions is supported by the department.

Advisory Note 4.

Prior to the commencement of any operational or building works (whichever occurs first), the applicant may be required to provide developer contributions for the proposed development's traffic impacts on the state-controlled road network. The contribution shall be determined by, and paid to, Townsville City Council in accordance with the requirements of the Townsville City Plan 2005, Volume 2 – Policy Manual.



Size 13

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Rev.	Issue	Date
D	Draft Issue to Client	14/05/10
C	Draft Issue to Client	12/05/10
B	Amendments	06/05/10
A	Preliminary	05/05/10

Architect
dko architecture (new south wales) pty ltd
C/9/38-48 Macarthur St, Uffingham
Sydney, New South Wales, 2007-AUS
T +61 2 9280 2244 / F+61 2 9280 2364
www.dko.com.au / info@dko.com.au
AON: 068 595 074

Drawing
Site Plans
Drawing
Group Site 1
Scale 1/8"=1'-0"
Date 11/05/2010
100/01

Drawing
Site Plans
Drawing
Group Site Plan 01

REFER TO DWG 000/01 - Group Site Plan 01



ATTACHMENT 2

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dko architecture (new south wales) pty ltd
C/o 58-58 Macarthur St, Ultimo
Sydney, New South Wales, 2007, AUS
T +61 2 9280 5244 / F +61 2 9280 2264
www.dko.com.au / info@dko.com.au
A/CN 001 893 014

Client Details
DHA

Project
DHA Alternatives
address
suburb
date
post code

Project Number
newsc002a

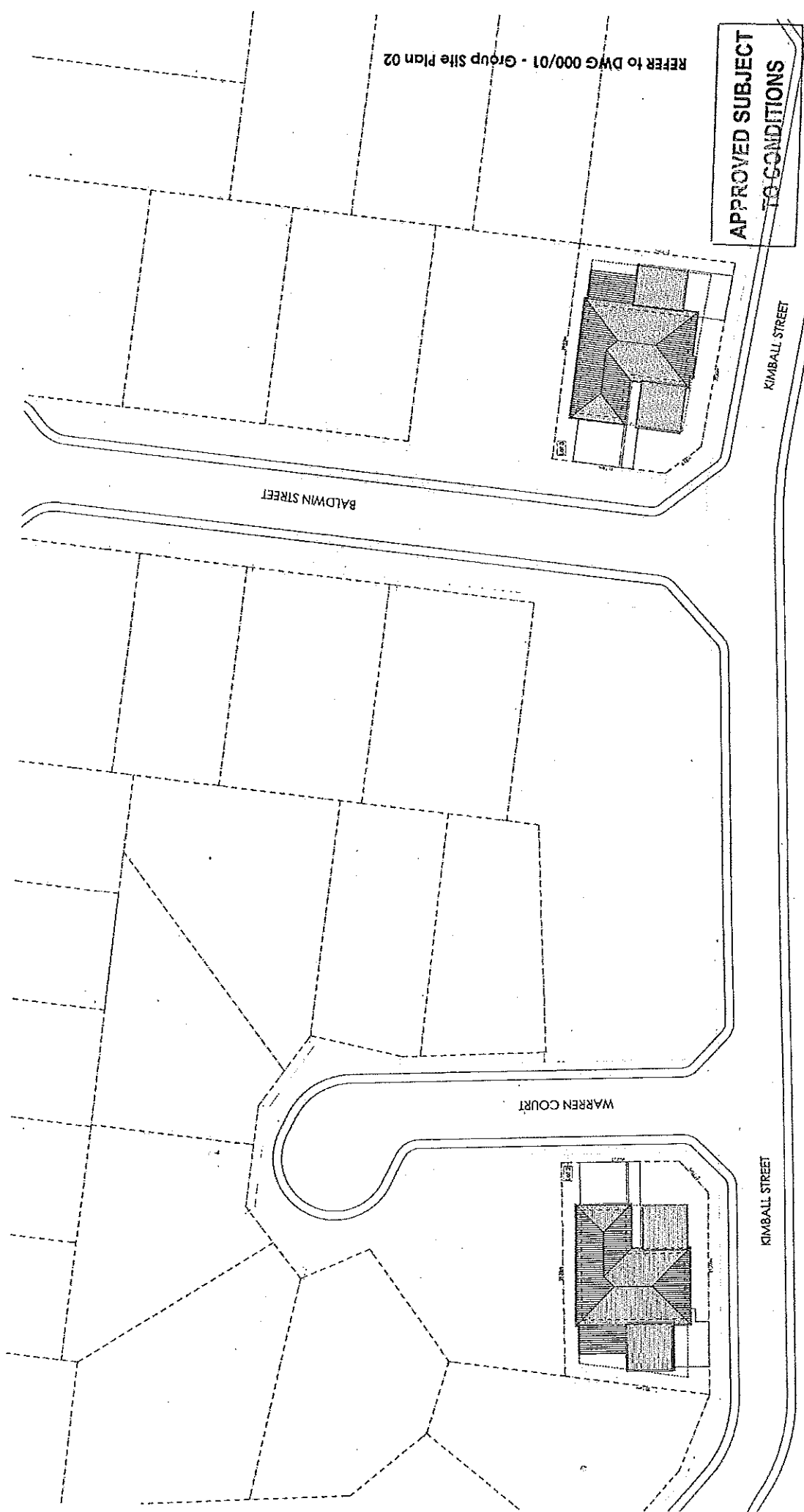
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Site Plans
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Group Site Plan 02
Scale 1:1000
Date 14/05/2010

Date
14/05/10
17/05/10
06/05/10
05/05/10

Issue
Draft Issue to Client
Draft Issue to Client
Amendments
Preliminary
Issue

Rev.
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C
B
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B	Amendments	06/05/10

Architect
dko Architecture (new south wales) pty ltd
C/O 18/18
Sydney, New South Wales 2000, AUS
T +61 2 9280 2244 / F+61 2 9280 2264
www.dko.com.au / info@dko.com.au
A/CN 688 895 04

Client Details
DHA

Project
DHA Alkenvale
address
suburb
post code

Project Number
00000392

Drawing
Site Plans
Drawing
Group Site Plan 01
Scale 1:250
Date 02/09/2010
100/01

F



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Architect
dko architecture (new south wales) Pty Ltd
C99/36-48 Macarthur St, Ultimo
Sydney, New South Wales, 2007, AUS
T +61 2 9280 2244 / F +61 2 9280 2264
www.dko.com.au / info@dko.com.au
ACN: 618 895 514

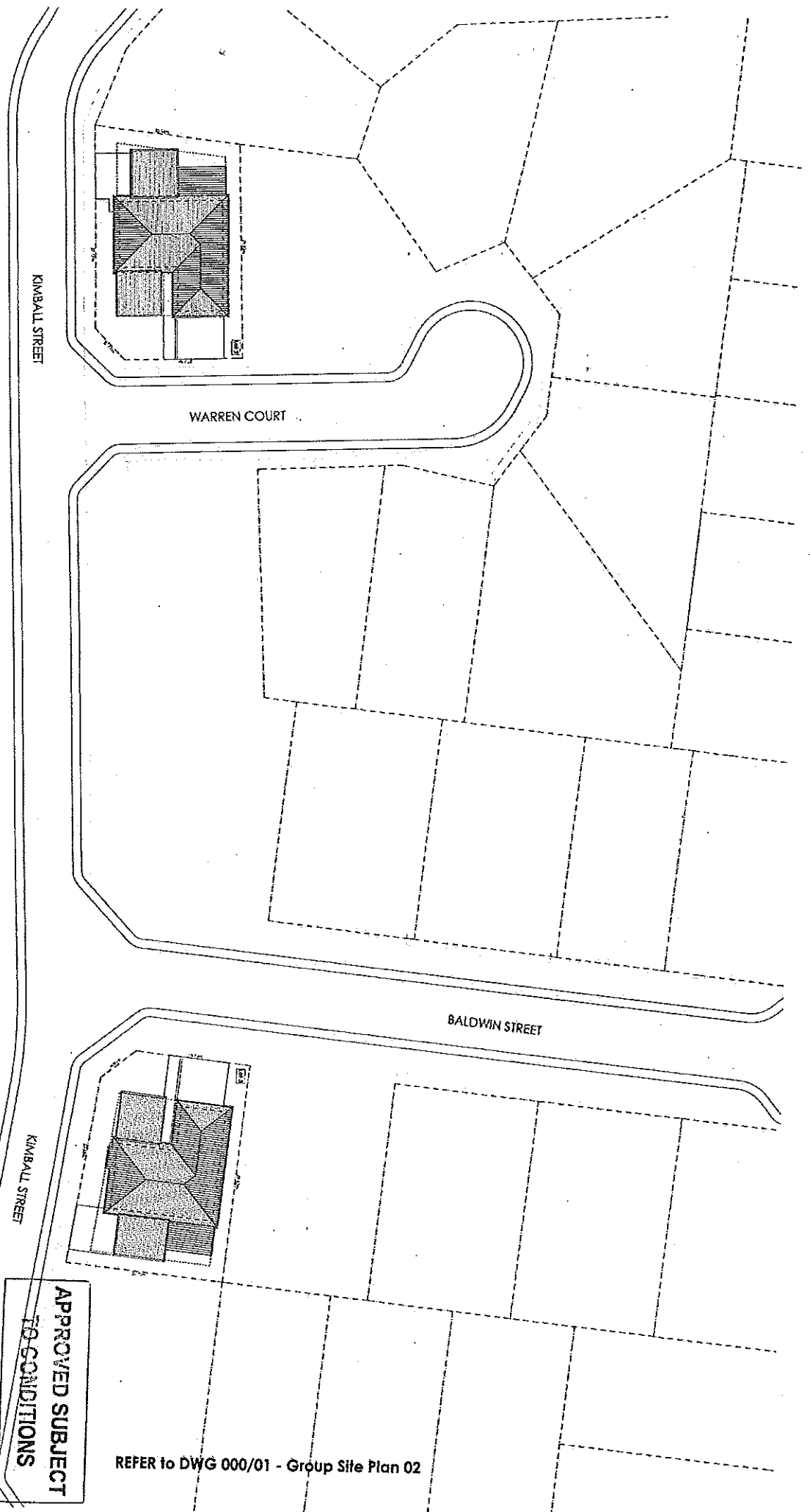
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DKA

Project
DKA Allentree
address
suburb
state
post code

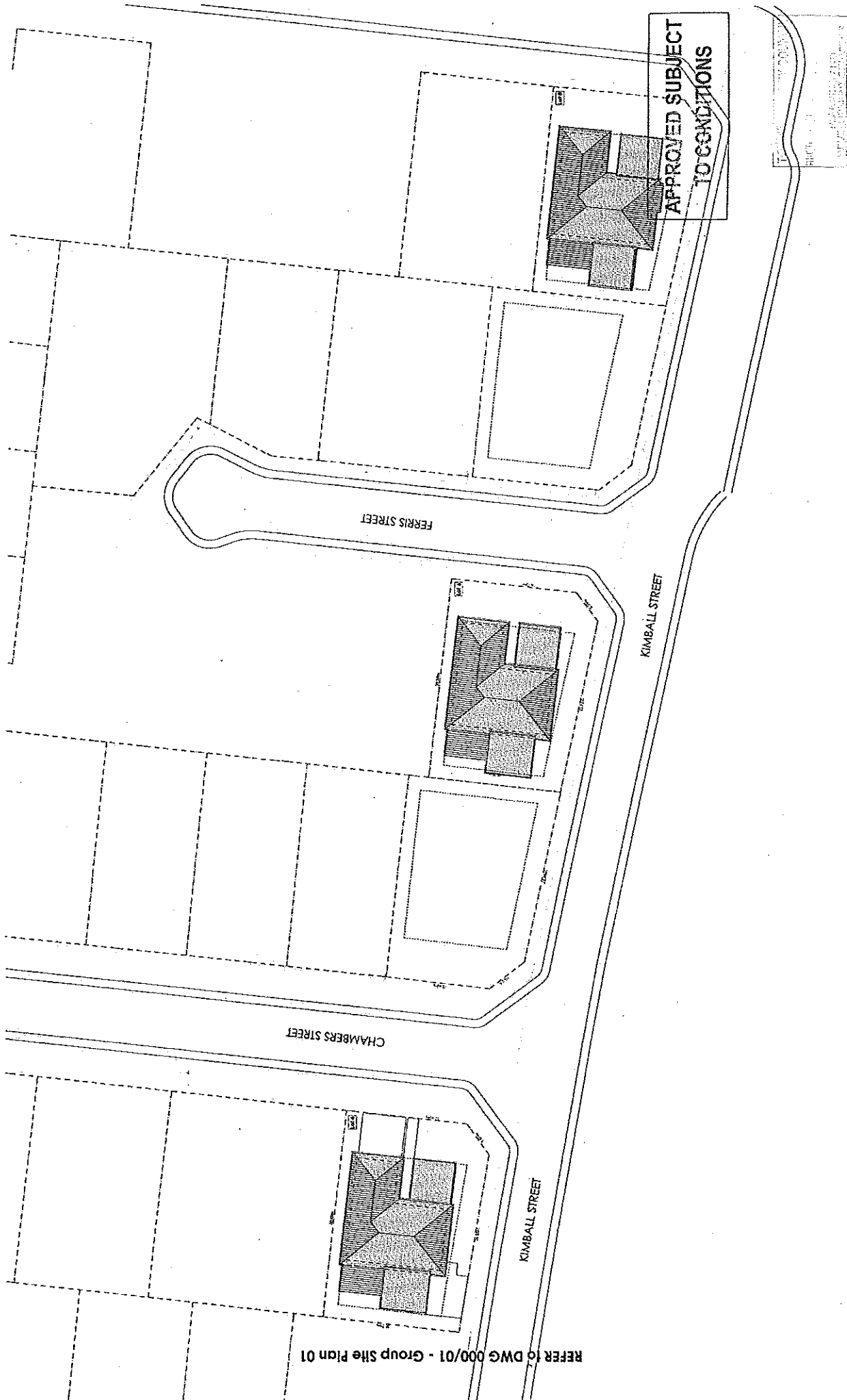
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Drawing
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Group Site Plan 01
Scale 1:500
Date 02/09/2010
100/01

F



REFER TO DWG 000/01 - Group Site Plan 01



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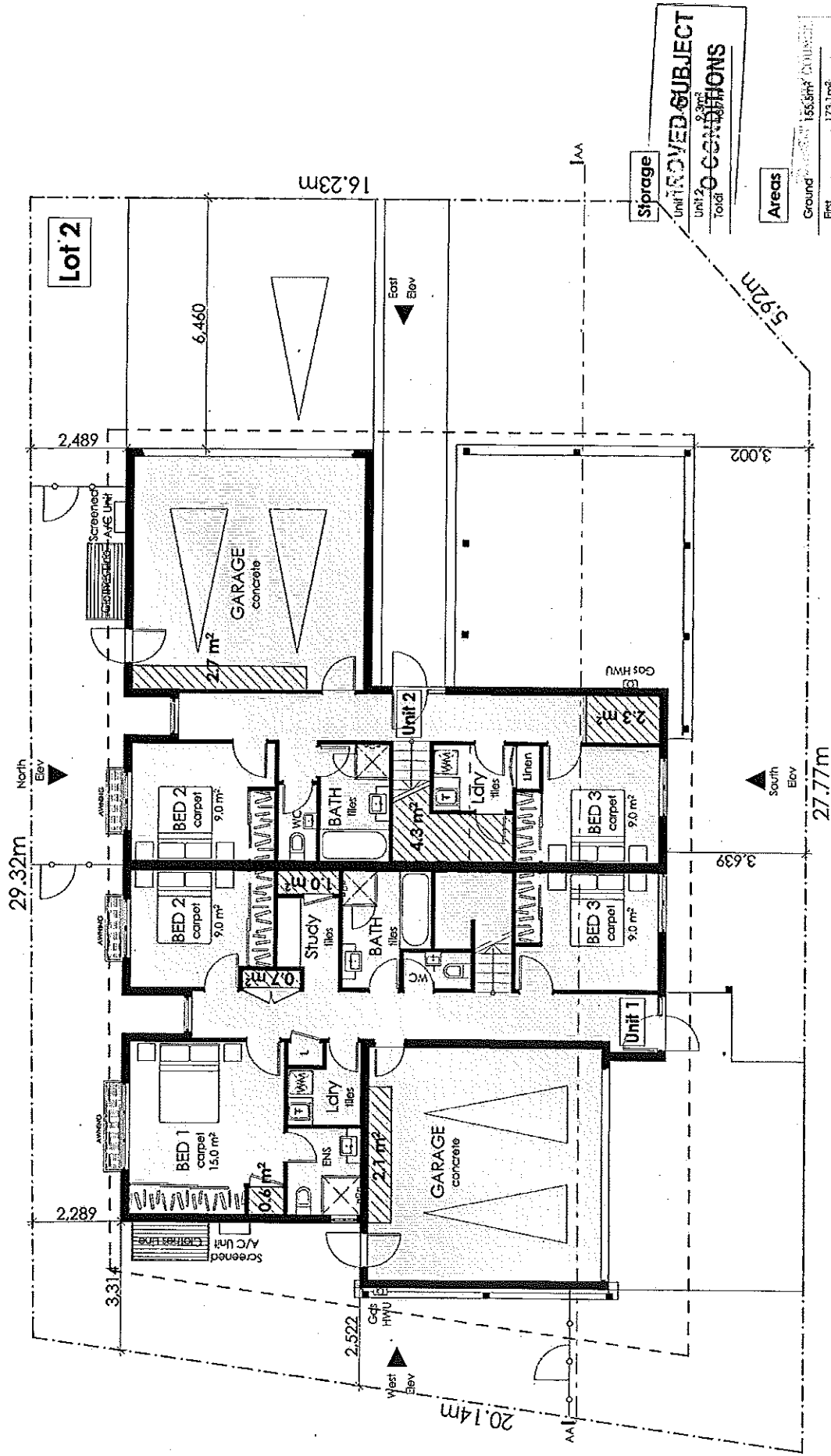
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B	Amendments	06/05/10

Architect
dko architecture (new south wales) pty ltd
G/9/38-48 Macarthur St, Ultimo
Sydney, New South Wales, 2007, AUS
T +61 2 9286 2244 / F +61 2 9286 2264
www.dko.com.au / info@dko.com.au
ACN: 608 895 014

Client Details
DMA
Project
DMA Alternvale
address
suburb
state
postcode

Project Number
0000292

Drawing
Site Plans
Drawing
Group Site Plan 02
Scale: 1:500
Date: 02/05/2000
100/02



Architect
dko architecture (new south wales) Pty Ltd
C9/38-48 Macarthur St, Ultimo
Sydney, New South Wales, 2007, AUS
T +61 2 9286 2244 / F +61 2 9286 2264
www.dko.com.au / info@dko.com.au
A/Ct 088 895 014

Client Details
DHA
DHA Alkenvale
address
suburb
state
post code

Project Number
0000293

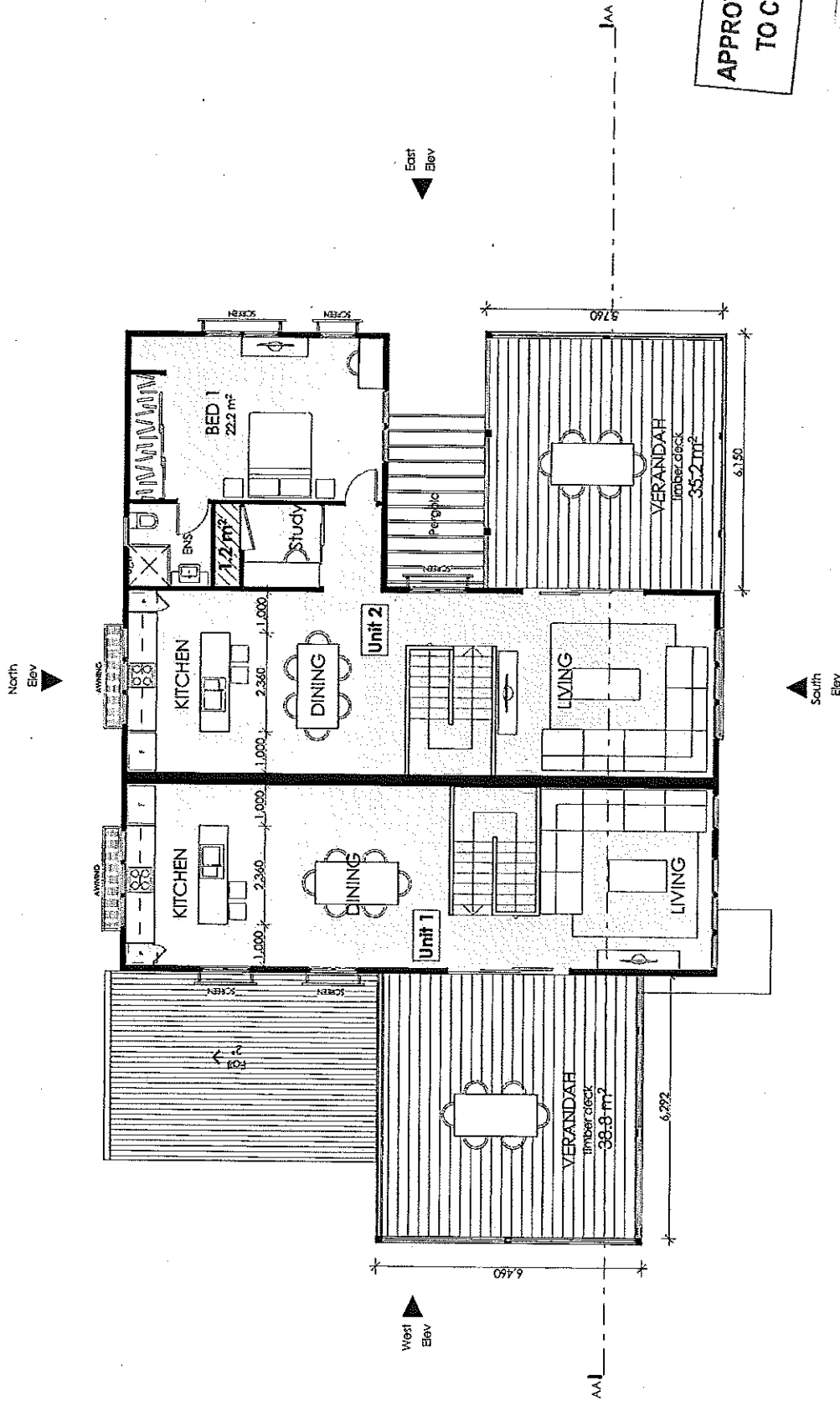
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Rev.

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200/02



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10/10/2010
10/10/2010

Project
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Scale 1:100
Date 02/09/2010
200/03

Project Number
00000002

Project
DHA Alkenra
Address
State
Post code

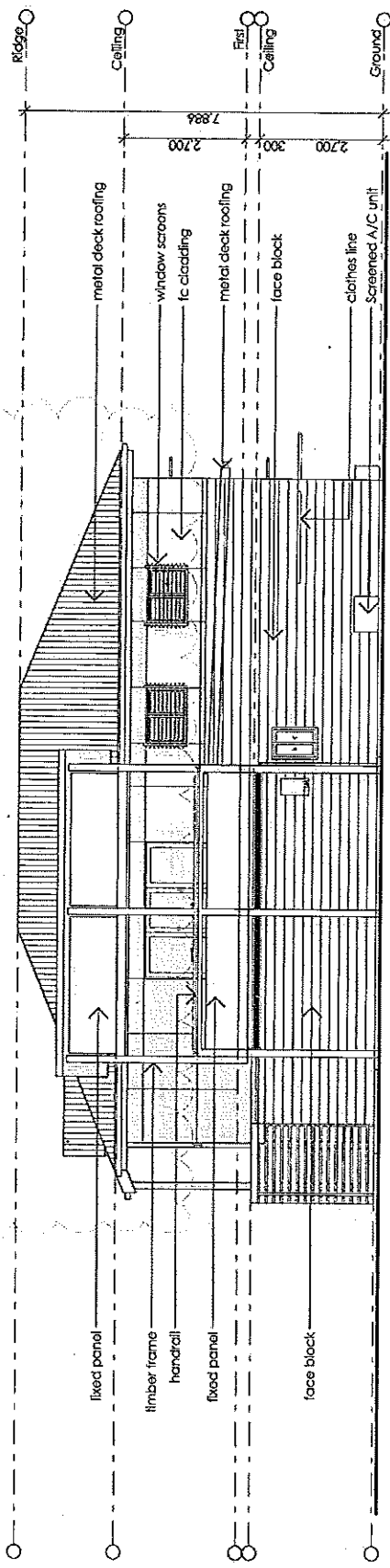
Client Details
DHA

Architect
Architecture (New South Wales) Pty Ltd
10/10/2010
Sydney, New South Wales 2007, AUS
T +61 2 9280 2244 / F +61 2 9280 2264
www.dha.com.au / info@dha.com.au
A/CN 488 899 014

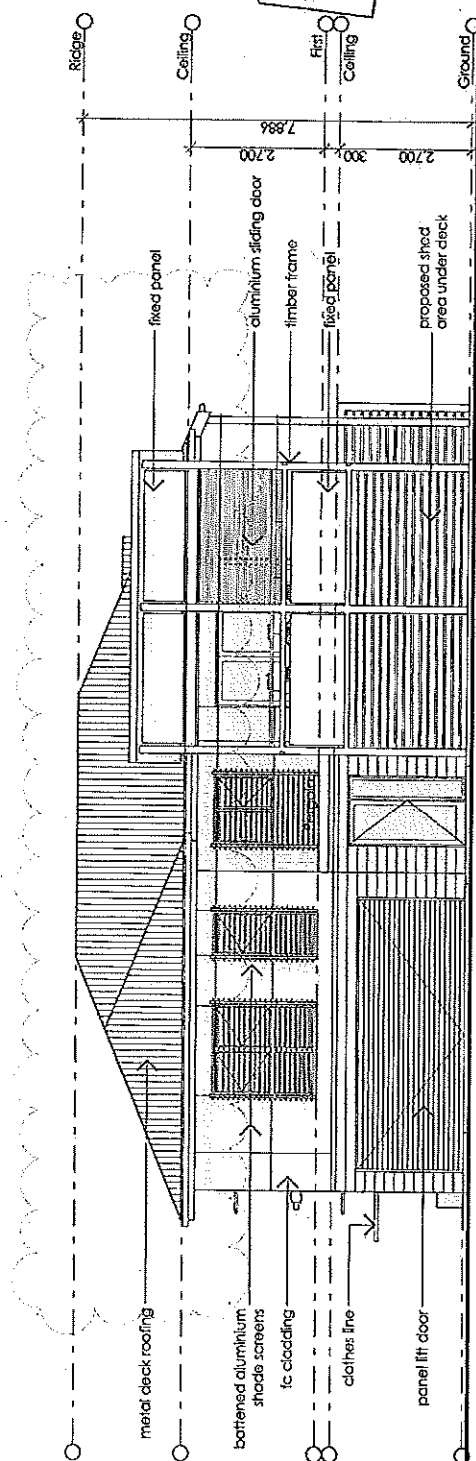
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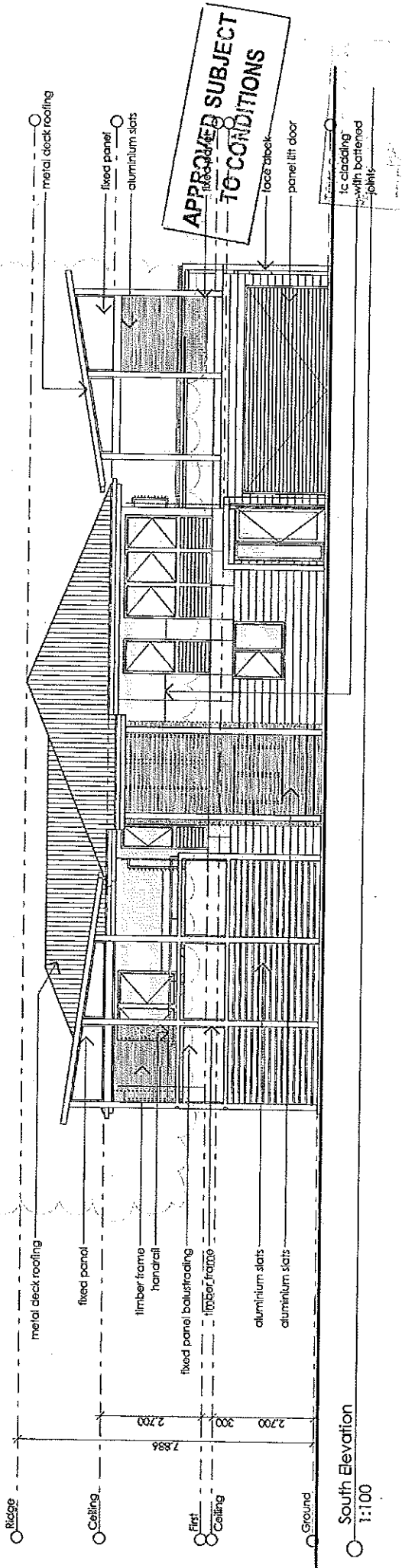
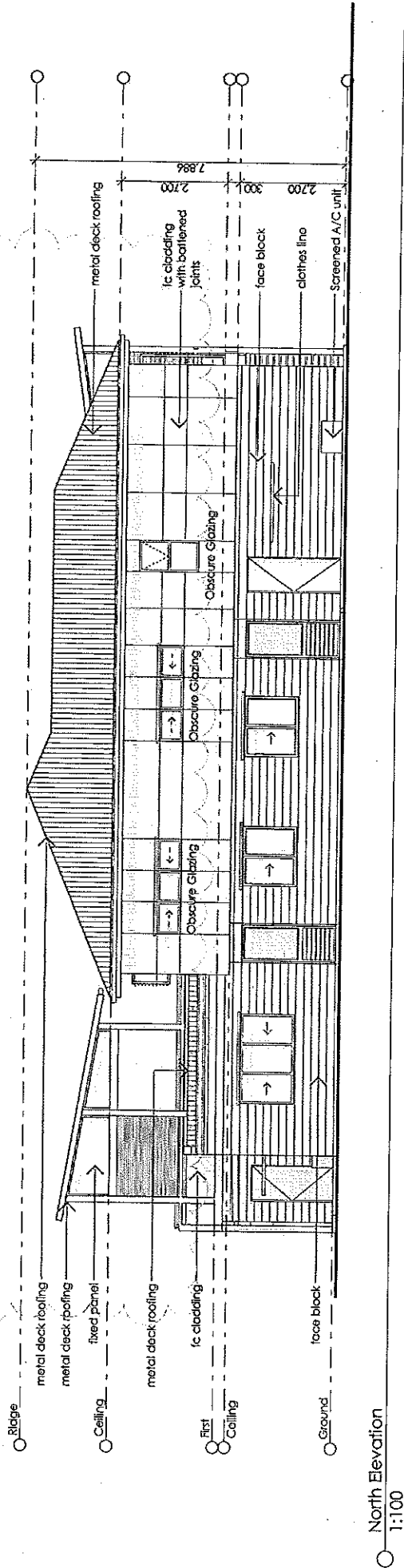
East Elevation
1:100



West Elevation
1:100

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Drawing East/West Elevations	Scale 1:100	Date 02/09/2010	Sheet 300/07				



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C/o 38-48 Macarthur St, Ultimo
Sydney, New South Wales 2007, AUS
T +61 2 9286 2244 / F +61 2 9286 2264
www.dko.com.au / info@dko.com.au
ACT 088 895 044

Client Details
DMA

Project
DMA Alkenvale
address
state
post code

Project Number
0000992

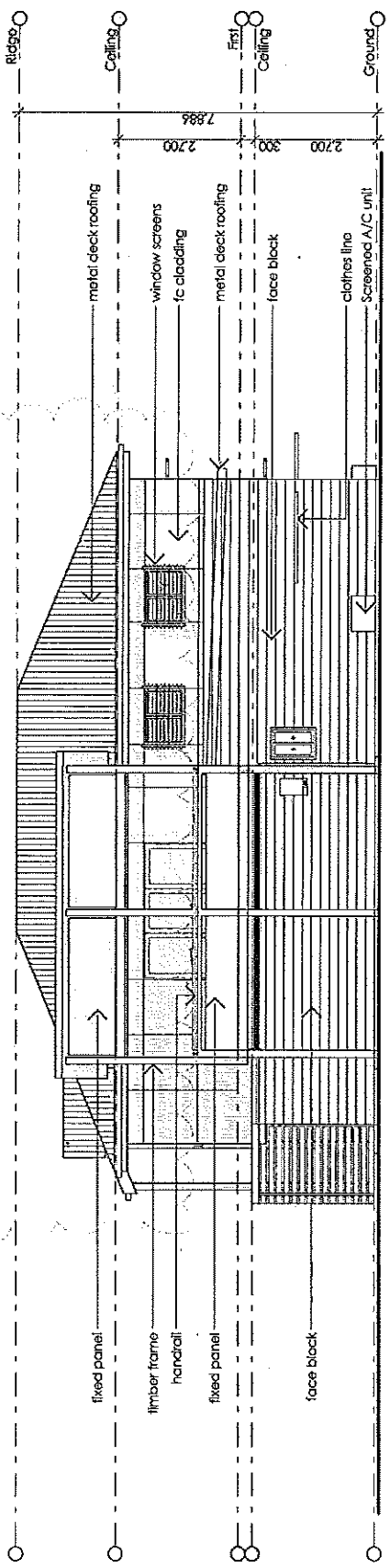
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North/South Elevations

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Date 02/09/10

300/06

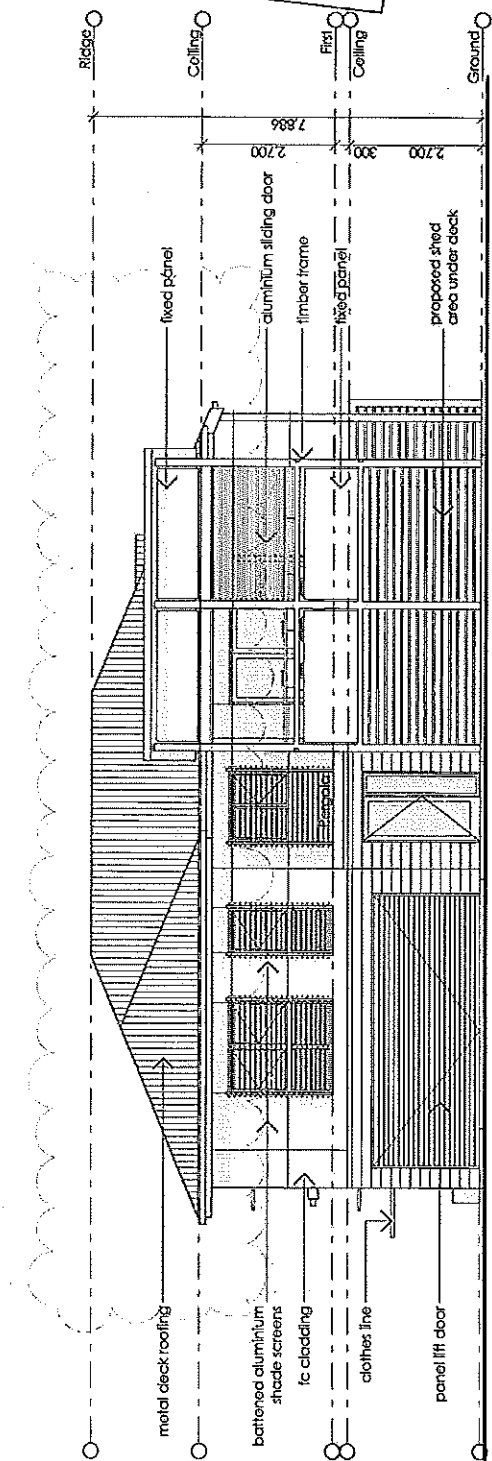
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A	Issue	

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East Elevation

1:100



West Elevation

1:100

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	Date
G	08/09/10
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C	12/05/10
B	06/03/10
A	

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C/97/38-48 Macarthur St, Ultimo
Sydney, New South Wales, 2007, AUS
T +61 2 9280 2244 / F+61 2 9280 2264
www.dko.com.au / info@dko.com.au
ACN: 058 895 014

Client Details

Project
DNA Aikenvale
Address
Suburb
State
Post code

Project Number
00010292

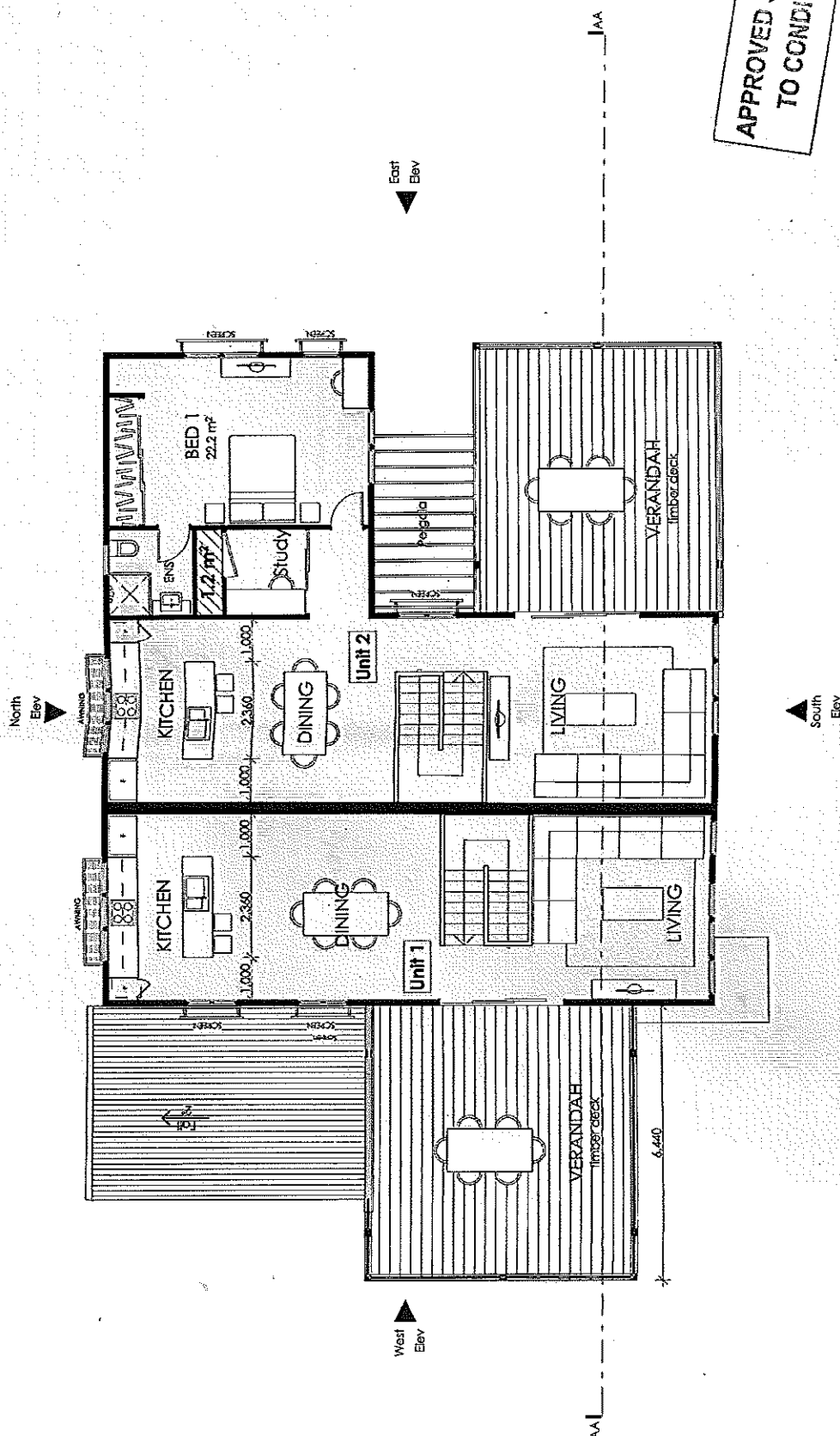
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Date 02/09/2010
400/03

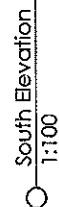
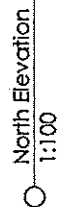
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TOUROSVILLE, N.C.

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B	Amendments	06/05/10

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dko architecture (new south wales) pty ltd
C/ty/38-48 Macarthur St, Ultimo
Sydney, New South Wales, 2007, AUS
T +61 2 9280 2244 / F+61 2 9280 2264
www.dko.com.au / info@dko.com.au
ACN: 088 993 014

Project **DNA Aikenvale**
address
suburb
state
post code

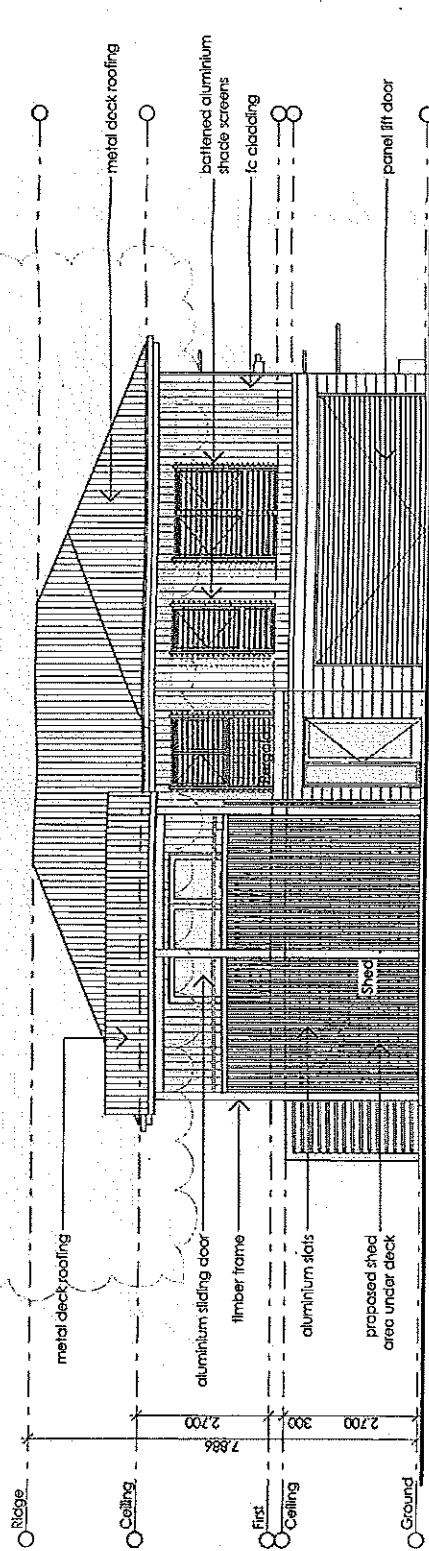
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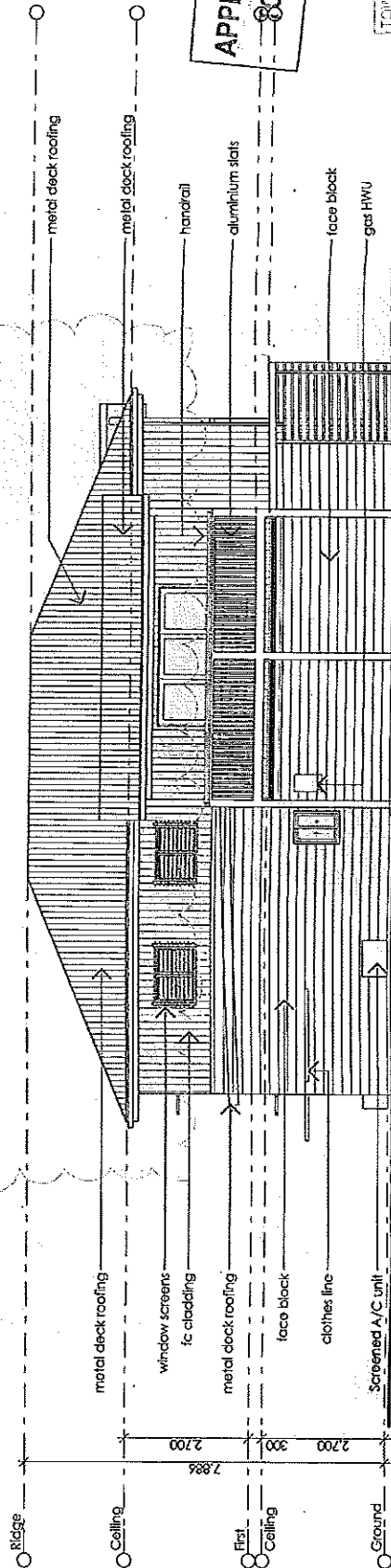
Drawing North/South Elevations

Scale 1700
Date 02/09/2010

Date 02/09/2006 400/06



East Elevation
1:100



West Elevation
1:100

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Rev.	Issue	Date
G	Amended DA Issue	08/09/10
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www.gato.com.au / info@gato.com.au
ACN: 608 895 014

Client Details
DMA

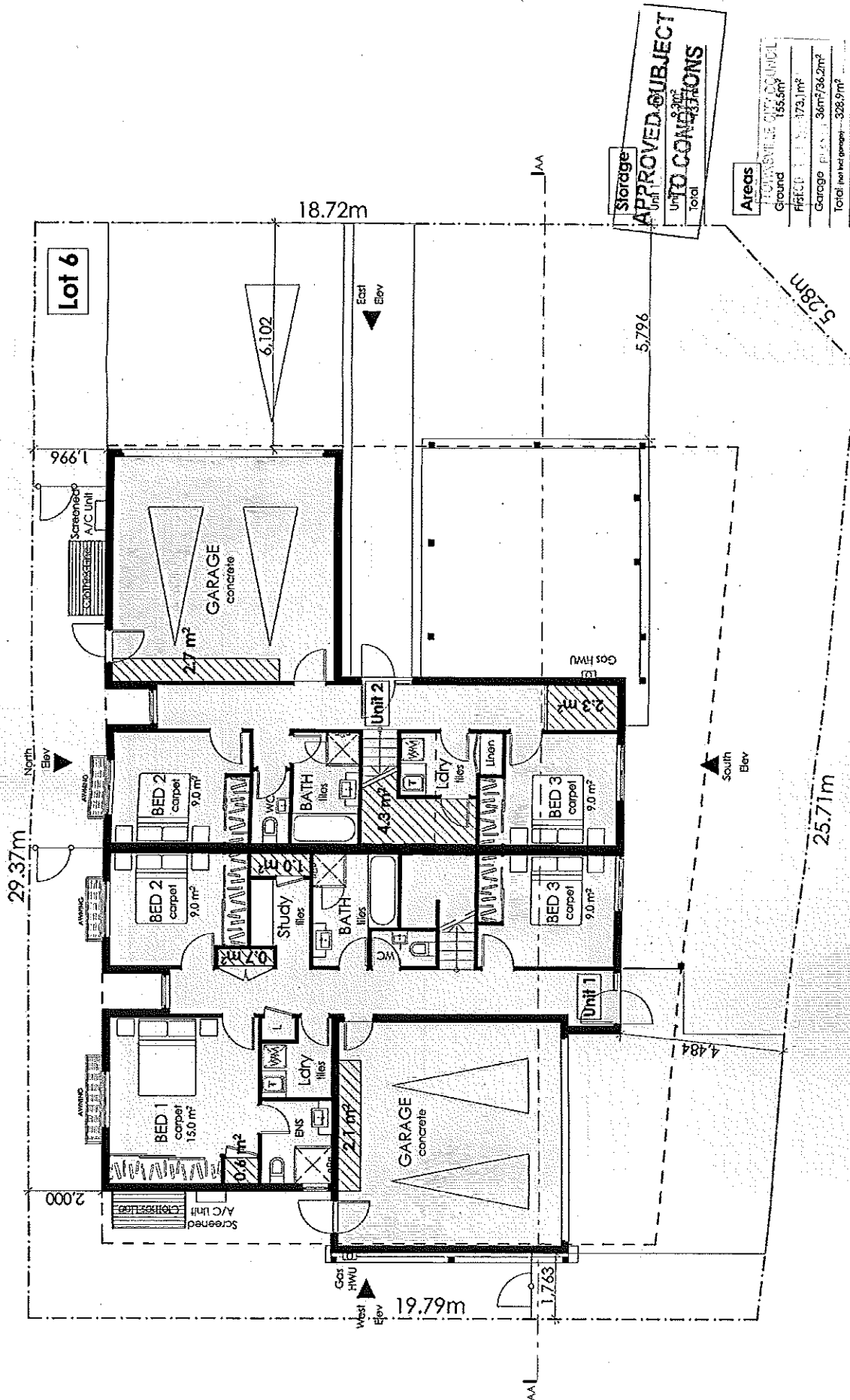
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DMA Allkenvale
address
suburb
state
post code

Project Number
00020292

Drawing
Lot 4 - Type B
East/West Elevations
Scale 1:100
Date 02/09/2010

400/07





Project DIA Alkenvale

Project Number 0000292

Client Details DIA

Architect dko architecture (new south wales) pty ltd
 C/37/38-48 Macarthur St, Ultimo
 Sydney, New South Wales, 2007, AUS
 T+61 2 9280 2244 / F+61 2 9280 2264
www.dko.com.au / info@dko.com.au
 ACTG 000 995 04

Drawing Lot 6 - Type B

Ground Floor Plan

Date 07/09/2010

Scale 1:200

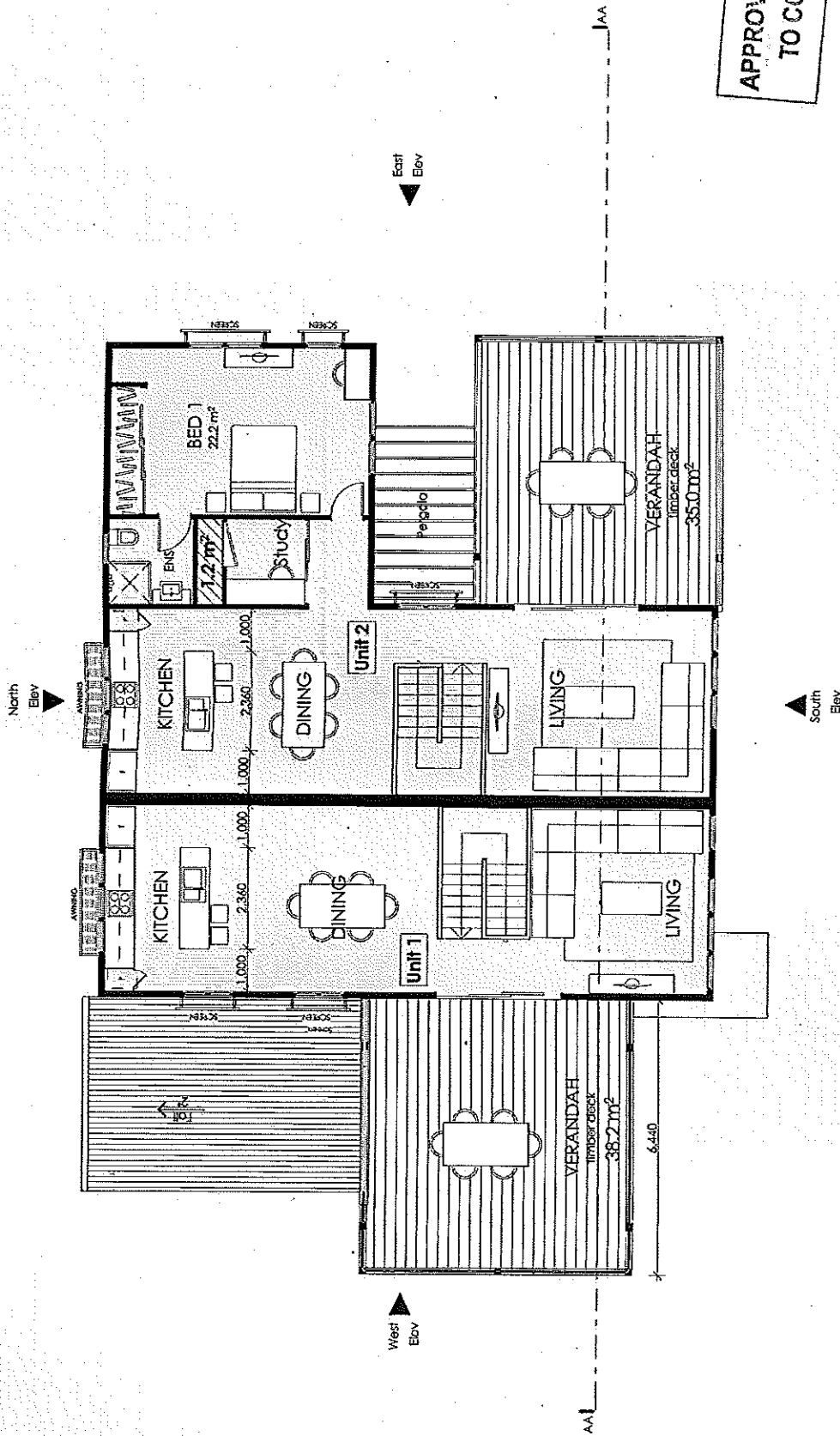
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Revised

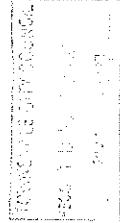
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TO CONDITIONS



Drawing
Lot 6 - Type B
Drawing
First Floor Plan
Scale 1:100
Date 07/09/2010
600/03

Project Number
00000093

Project
DHA Allentale
address
suburb
state
post code

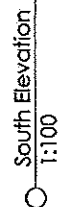
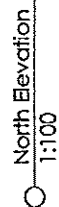
Client Details
DHA

Architect
dco Architecture Pty Ltd
C/o 38-48 Macarthur St, Ultimo
Sydney, New South Wales, 2007, AU/S
T +61 2 9280 2244 / F +61 2 9280 2264
www.dco.com.au / info@dco.com.au
ACR 088 595 044

Rev.	Issue	Date
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— timber frame

**APPROVED SUBJECT
TO CONDITIONS**

— aluminium slats

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C	Draft Issue to Client	12/05/10
B	Amendments	06/05/10

Architect AKO Architecture (new south wales) pty ltd C/O 38-48 Macarthur St, Ultimo Sydney, New South Wales, 2007, AUS T +61 2 9280 2244 / F+61 2 9280 2264 www.ako.com.au / info@ako.com.au	Client Details DHA	Project DHA Alkennville address suburb state post code	Project Number 00001323	Drawing Lot 6 - Type B Drawing North/South Elevations	Scale 1:100 Date 07/09/2010 600/06	
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Rev.	Issue	Date
G	Amended DA Issue	08/09/10
F	Amended DA Issue	02/09/10
E	Amended DA Issue	03/08/10
D	Draft Issue to Client	14/05/10
C	Draft Issue to Client	12/05/10
B	Amendments	06/05/10

Architect
dko architecture (new south wales) pty ltd
Sydney, New South Wales 2007, AUS
T +61 2 9280 2244 / F +61 2 9280 2264
www.dko.com.au / info@dko.com.au
ACN: 085 895 014

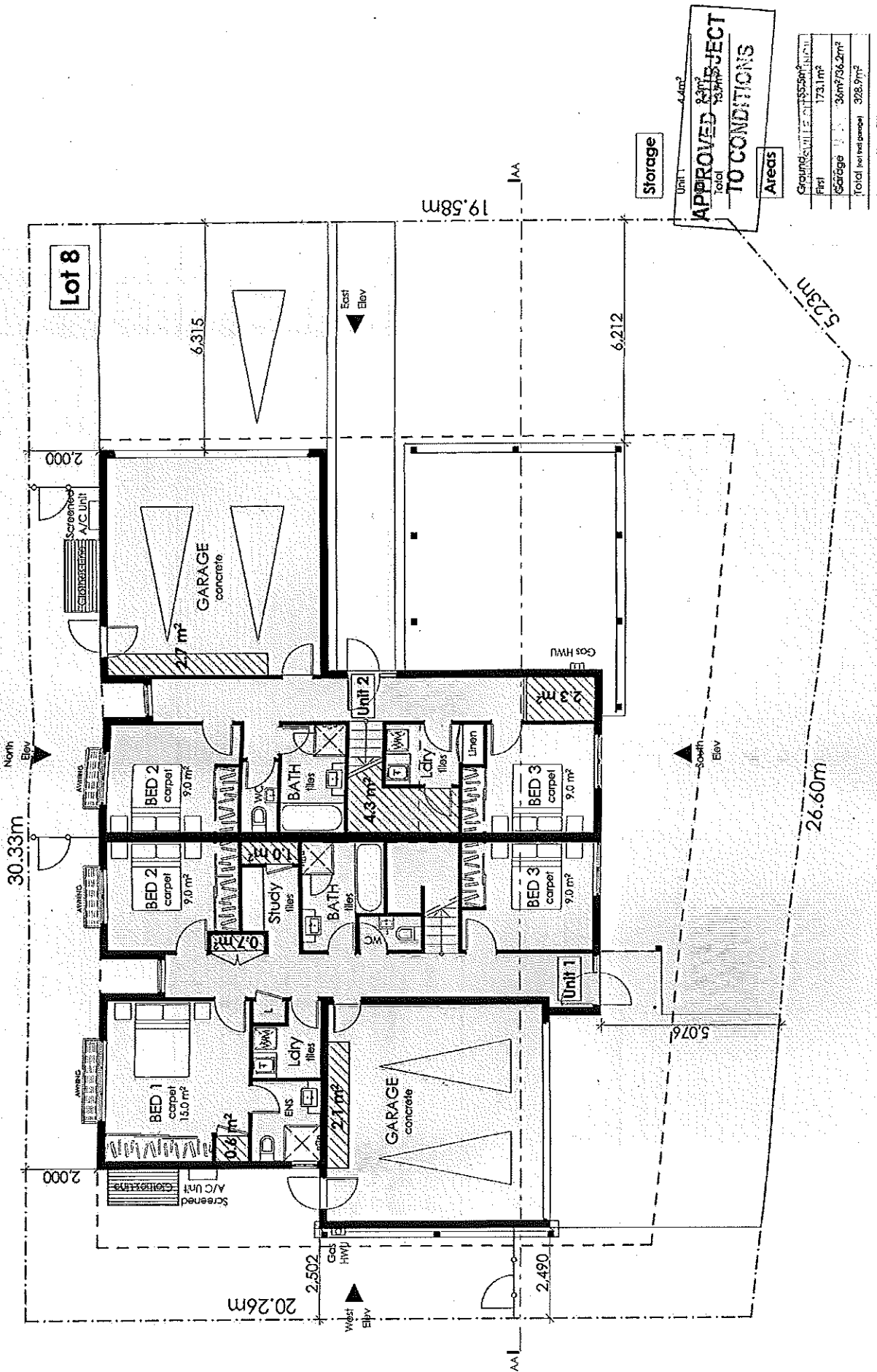
Client Details
DHA

Project
DHA Altkemalla
Address
State
Post Code

Project Number
00010323

Drawing
Lot 8 - Type A
Ground Floor Plan
Scale 1:100
Date 07/09/2010
800/02

G

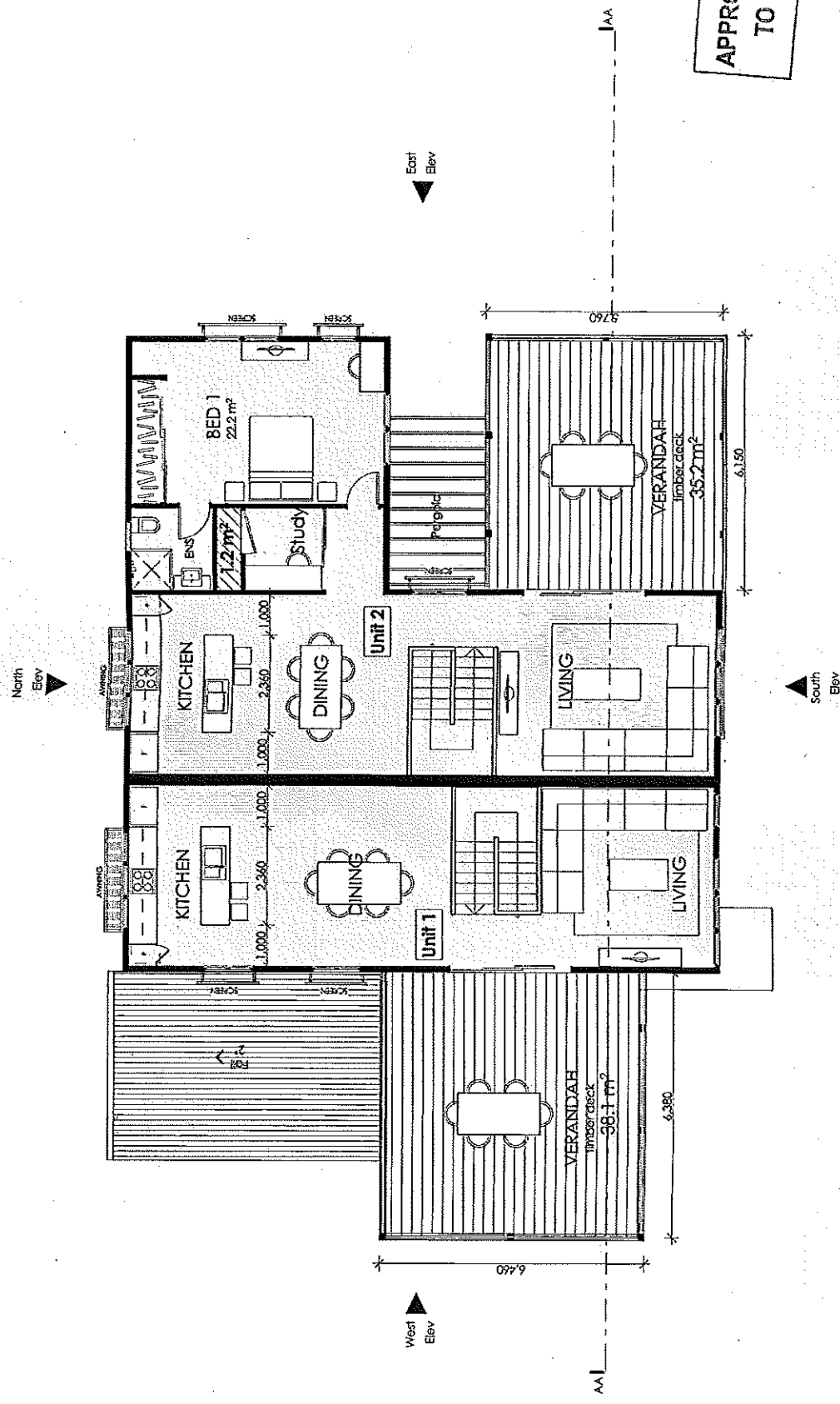


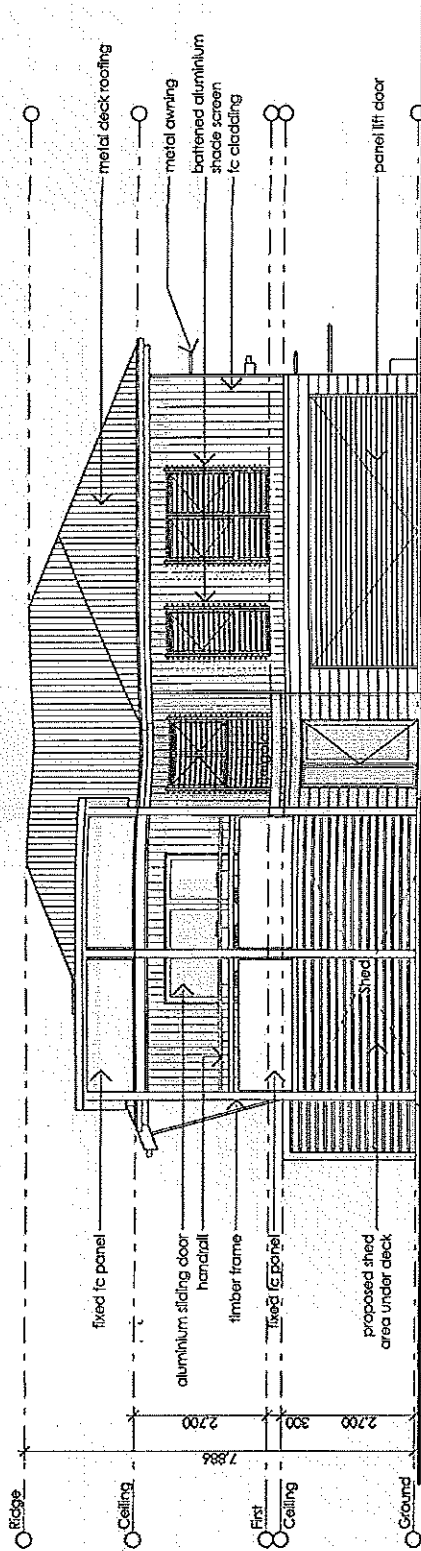
PLANNING DEPT
INDIANAPOLIS CITY COLLEGE

Drawing
Lot 8 - Type A
Drawing
First Floor Plan
Scale 1/16" = 1'-0"
Date 02/09/2010
800/03

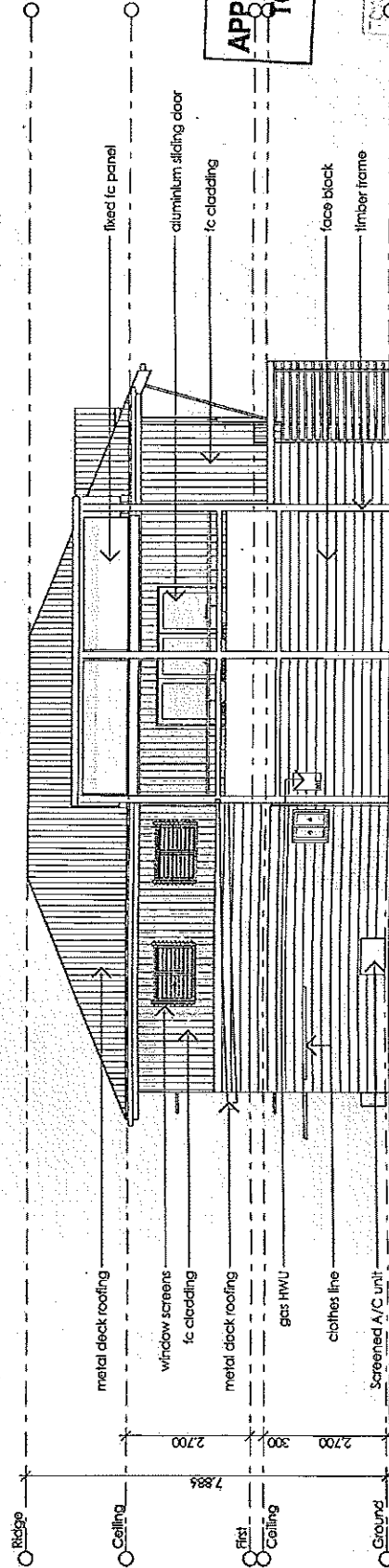


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East Elevation
1:100



West Elevation
1:100

APPROVED SUBJECT
TO CONDITIONS

TOWNSVILLE CITY COUNCIL
RECS 10 SEP 2010
PLANNING AND

Rev.	Issue	Date
G	Amended DA Issue	08/09/10
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Architect
dko Architecture (new south wales) pty ltd
59/28-48 Macarthur St, Ultimo
Sydney, New South Wales, 2007, AUS
T +61 2 9586 2244 / F +61 2 9586 2264
www.dko.com.au / info@dko.com.au
ACN: 688 895 614

Client Details
DHA

Project
DHA AllKareville
address
suburb
state
post code

Project Number
000020293

Drawing
Lot 8 - Type A
East/West Elevations

Scale
1:100

Date
02/09/2010

800/07

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- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).

460 Evidence of local planning instruments or master plans

- (1) If a chief executive officer of a local government is satisfied a document is a true copy of a local planning instrument or master plan, or a part of the local planning instrument or master plan, in force for the local government at a time stated in the document, the chief executive officer may so certify the document.
- (2) In a proceeding, a document certified under subsection (1) is admissible in evidence as if it were the original local planning instrument or master plan, or part of the instrument or plan.

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—

[s 463]

- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

