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**SPECIAL COUNCIL MEETING 2 FEBRUARY 2009**

**MINUTES OF PROCEEDINGS OF THE SPECIAL MEETING OF THE TOWNSVILLE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, 103 WALKER STREET ON MONDAY 2 FEBRUARY 2009 COMMENCING AT 8.30 AM**

**PRESENT:** Councillor L Tyrell, Chair  
Councillor B Hewett  
Councillor S Blom  
Councillor N Marr  
Councillor D Bell  
Councillor J Hill  
Councillor A Parsons  
Councillor R Gartrell  
Councillor D Last  
Councillor T Roberts  
Councillor J Lane

**ABSENT:** Councillor D Crisafulli  
Councillor V Veitch

**CORPORATE SERVICES**

**1 Corporate Governance and Planning - Draft 2009-2014 Corporate Plan**

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**Agenda Item >>**

Authorised by >> Chief Executive Officer  
Date >> 30 January 2009

**Executive Summary >>**

Pursuant to s504 of the *Local Government Act 1993* (the "Act") Council must from time to time prepare and adopt a Corporate Plan.

S507(b) of the Act requires Council to make the Corporate Plan open to inspection for at least 30 days prior to its adoption.

**Officer's Recommendation >>**

That in accordance with s507(b) of the *Local Government Act 1993*, Council endorse the draft Corporate Plan 2009-2014 and make it open to inspection for a period of not less than 30 days.

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**It was moved by Councillor D Last, seconded by Councillor R Gartrell:**

"that the Officer's recommendation be adopted."

**CARRIED**

## **PLANNING AND ECONOMIC DEVELOPMENT**

### **2 Planning Assessment Unit: Multiple Dwelling (41 Units) - Material Change of Use (Impact) Assessment - 54-56 Perkins Street, South Townsville MI07/0071 1513040**

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Authorised by >> Director Planning and Economic Development  
Date >> 15 December 2008

#### **Executive Summary >>**

A Development Application for Material Change of Use of Premises (Impact Assessment) - Multiple Dwelling (51 Units) on Lot 2 RP 701949 and Lot 1 RP 716185, situated at 54-56 Perkins Street, South Townsville has been received from Applicant >> Fachin Investments Pty Ltd as Trustee for The North Qld Family Trust No. 1 and the North Qld Family Trust No. 2 - Owner Fachin Investments Pty Ltd as Trustee for The North Qld Family Trust No. 1 and the North Qld Family Trust No. 2 - MI07/0071 1513040 has been recommended for approval.

#### **Officer's Recommendation >>**

The application for a Development Permit for Multiple Dwelling (31 x 2 and 10 x 3 Bedroom Units) on Lot 2 RP 701949 & Lot 1 RP 716185, situated at 54-56 Perkins Street, South Townsville be approved subject to the following conditions >>

### **DEVELOPMENT PERMIT**

#### **MATERIAL CHANGE OF USE MULTIPLE DWELLING (31 X 2 AND 10 X 3 HOME UNITS)**

#### **SCHEDULE OF CONDITIONS**

##### **1. Site Layout**

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

<b>DRAWING NAME</b>	<b>DRAWING NO.</b>	<b>DATE</b>	<b>STAMP DATE</b>
Site Plan	DA-03-B	Nov 2008	26 November 2008
Basement Floor Plan	DA-04-B	Nov 2008	26 November 2008
Ground Floor Plan	DA-05-C	Nov 2008	5 January 2009

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First Floor Plan	DA-06-C	Nov 2008	5 January 2009
Second Floor Plan	DA-07-C	Nov 2008	5 January 2009
Third Floor Plan	DA-08-C	Nov 2008	5 January 2009
Roof Plan	DA-09-B	Nov 2008	26 November 2008
Elevations	DA-10-B	Nov 2008	26 November 2008
Elevations	DA-11-B	Nov 2008	26 November 2008
Section	DA-12-B	Nov 2008	26 November 2008
Site Context Sections	DA-13-A	Nov 2008	26 November 2008

- 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.
- d) The storage room located near the pool equipment room must be provided with separate access and not be a joint access with the pool equipment room.

## 2. Defined Use

The use hereby permitted must be conducted at all times in conformity with the associated definition in City Plan 2005.

## 3. 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.

## 4. Street Fencing

The developer must provide Council with plans of the proposed fence located along Davidson Street and Perkins Street frontages for written approval prior to a Development Permit for Building Works being issued.

## 5. Amalgamation of Allotments

Prior to the commencement of use the developer must amalgamate Lot 2 RP 701949 and Lot 1 RP 716185 into a single parcel.

The plan of reconfiguration must be registered, in accordance with the *Land Title Act 1994* prior to commencement of the use.

## 6. 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

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contribution must be calculated in accordance with the provisions of the Policy and at the rate applicable at the time payment is made.

**7. 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.

**8. Breakwater Road Network Headworks Contribution**

The developer must pay a breakwater road network headworks contribution in accordance with *City Plan Policy 3 – Contributions, Section 7 – Breakwater 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.

**9. 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.

**10. 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.

External lighting of a graduated intensity must be provided which starts at a lower level of brightness at the perimeter of the site and rises to a crescendo of light at the entrance to buildings.

**11. Property Numbering**

Effective property numbers must be erected at 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.

**12. Drying Facilities**

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

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**13. 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.

**14. Screen Fencing**

The developer must provide a visual screen between the site 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.

**15. Screening of Plant and Utilities**

Plant and utilities including air-conditioners must not be visible from the street. Furthermore they must be provided with aesthetic screens prior to the commencement of the use and must be maintained thereafter to the satisfaction of Council.

**16. 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.

**17. Refuse Facilities**

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Multiple Dwellings Code, in accordance with *City Plan Policy 2 - Development Standards, Section 8 - Provision for Refuse Services*. In particular,

- a) The approved waste storage area is to be of sufficient size to house all mobile garbage (wheelie) bins including recycling bins. The storage area is

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to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

- b) An adequate hard stand area is to be made available along Perkins Street frontage for the collection of three (3) bulk garbage bins and six (6) recycling bins. When development is operational, please contact Environmental Health Services on 4727 9003 to commence refuse service.
- c) The minimum overhead clearance required for refuse collection is 6500mm. Access for the collection of bulk bins is not to be impeded by any over head obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- d) 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.
- e) The proposed waste refuse chute (as indicated on the submitted plans) must be designed and constructed in accordance with Townsville City Council Policy 105 - REQUIREMENTS FOR THE CONSTRUCTION AND INSTALLATION OF REFUSE CHUTES.

#### **18. 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.

#### **19. Car Parking**

- a) All car parking facilities, associated ramps and driveways must be constructed in accordance with Council Standards detailed in City Plan Policy 2 – Development Standards and must be maintained thereafter to that standard.
- b) The driveway, manoeuvring areas, car parking areas and paths must all be constructed of:
  - \* finished 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.
- c) 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.
- d) The developer must provide a minimum 77 car spaces (including the car wash bay) on site of which of minimum 21 spaces are required to be dedicated for visitor parking and must be made available at all times for such.

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Should it be the intent that the visitor spaces be provided behind a secured gate or barrier an intercom system or similar device must be provided to ensure public access to the visitor car parks.

- e) In this instance One (1) dedicated car washing bay is to be provided on site and is to be provided prior to the occupation of any of the units. The bay is to be designed and constructed in accordance with the following:
  - \* imperviously paved
  - \* provided with a hose cock
  - \* graded to a central drain incorporating a silt trap
  - \* fitted with a diversion valve which allows contaminated run-off to pass to a sewer or as approved by Council in writing
- f) All exposed services provided within the car parking area must be suitably screened so as to conceal any unsightly elements. Details of such screening must be submitted to and approved in writing by Council prior to a Development Permit being issued for Building Work.

## 20. Stormwater Drainage

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

- a) The development site must be graded so that it is free-draining. All runoff from storms naturally falling onto this development site (including roof runoff) must be collected within the property boundaries and discharged to 900 x 600mm RCBC at the south eastern corner of Cameron Park on the western side of Davidson Street. 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.
- b) Overland flow paths and underground drainage must be designed so as not to directly or indirectly cause nuisance to a downstream or adjoining property.
- c) 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.

## 21. Soil Erosion Minimisation, Sediment Control and Dust Control

Due to the potential for significant erosion and sediment discharge from this project, a soil erosion and sediment control plan must be provided, so as to achieve Specific Outcome SO3 of the *Works* code. A detailed Soil Erosion Sediment Control Plan in accordance with *City Plan Policy 1 - Section 12 - Soil Erosion and Sediment Control* must be provided as part of Compliance Assessment for the development. The Soil Erosion Sediment Control Plan must:

- \* incorporate performance standards, hold points and end points
- \* include maps, calculations, timing/staging and rainfall events/design criteria
- \* include specifications and construction details
- \* include soil and water management plans
- \* contain supporting documentation
- \* include a maintenance and monitoring program
- \* including geotechnical advice relating to the stability of the site during and after works including details on revegetation and stabilisation of the site.

An appropriately qualified professional must design and certify the program which must comply with the Environmental Protection Act 1994 and all its subordinate legislation using appropriate principals and techniques detailed in the "Soil Erosion and Sediment Control – Engineering Guidelines for Queensland Construction Sites".

## 22. Acid Sulphate Soils Management

Soil and groundwater investigations, in accordance with *City Plan Policy 1 Section 4 – Acid Sulphate Soils Management* must be conducted to support the proposed earth works. Such investigations must be certified by an appropriately qualified and experienced Registered Professional Engineer of Queensland, endorsed by the Department of Natural Resources and Water and must be submitted to and approved by Council prior to commencement of excavation.

## 23. Landscaping

- a) Prior to any works commencing on site a 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 Davidson and Perkins Streets are to be turfed and provided with automated irrigation.
  - \* The footpath/road reserve along Davidson and Perkins Streets are to be provided with mature street trees of a species selected for these sections of road.
  - \* Details showing the area of the site located between the proposed buildings and the adjoining neighbours being extensively landscaped, including a mixed height canopy using mature dense plantings to Council's satisfaction.
  - \* Local materials such as pink granite and indigenous plants are to be incorporated into the design to reinforce the sense of place and Townsville's unique identity.
- 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. Existing Street Trees**

The existing street trees located within Davidson and Perkins Streets road reserves must not be damaged, removed, destroyed or lopped without the written consent of Council first being obtained.

#### **25. Roadworks and Traffic**

- a) The developer must construct a new concrete invert and crossover across the footpath in Perkins Street at the developer's expense in accordance with Council's standard drawing for *Driveway Accesses Urban Properties SD-030B*.
- b) The developer must remove the existing kerb and channel and vehicle accesses including crossovers in the kerb and channel, replace with new kerb and channel and reinstate the footpath on both street frontages in accordance with Council's standard drawing for *Kerb and Kerb & Channel Details*.
- c) The developer must gravel pave and bitumen surface the road shoulder in Perkins Street from lip of channel to edge of existing bitumen surfaced pavement for the full frontage of the development site in accordance with Council's standard drawing for *Gravel Bedding for Kerb and Channel*.
- d) The developer must construct a 1.5 metre wide concrete footpath to the full frontage of the site along both Davidson Street and Perkins Street in accordance with Council's standard drawings for *Typical Road Cross Sections* and *City Plan Policy 2 Development Standards*.

#### **26. Street Enhancements**

The developer must provide details of the proposed street enhancements along Davidson Street frontage in accordance with *City Plan 2005 Policy 2 – Development Standards, Section 3 – Footpath Treatment* and must include but not be limited to:

- \* Pavement type;
- \* Landscaping, including street trees;
- \* Upgrade of kerb and channel; and
- \* On-Street parking

Details of such works are required to be submitted to Council for written approval as part of a compliance assessment.

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**27. 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 (G201 - 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.

**28. Stormwater Quality Management**

A stormwater quality management plan (SQMP) must be submitted to and be endorsed by Council prior to the issue of a Development Permit for Building Work.

The SQMP must be prepared by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) to address the quality of stormwater runoff from the site. In particular, the SQMP must adopt the water quality strategy of the Queensland Urban Drainage Manual (QUDM) by:

- a) defining the environmental values of the receiving waters.
- b) defining the water quality guidelines (levels, characteristics, etc) for those environmental values.
- c) identifying the sources of water quality contamination and construction/use activities likely to impact on the water quality guidelines.
- d) defining the water quality monitoring strategy required to measure the water quality characteristics for compliance with the adopted guidelines.
- e) defining the corrective actions and measures required to mitigate the effects of adverse contamination, use and/or activities in order to maintain the water quality guidelines.

SQMP measures must be carried out in accordance with the recommendations of the approved report.

**29. Water Supply Master Plan**

A Water Supply Master Plan (WSMP) must be submitted to and be endorsed by Council prior to the issue of a Development Permit for Building Works.

- a) The WSMP must be prepared by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ)

to address the adequacy of supply for the development and the adjacent area.

- b) The WSMP must satisfy both the maximum hour design flow conditions and emergency fire flow conditions.
- c) The WSMP must identify any upgrading of the water reticulation network required to meet the above requirement.

### **30. Sewer Master Plan**

A Sewer Master Plan (SMP) must be submitted to and be endorsed by Council prior to the issue of a Development Permit for Building Works.

- a) The SMP must be prepared by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) to address the adequacy of the existing system for this development and the adjacent area.
- b) The SMP must satisfy both the maximum hour design flow conditions.
- c) The SMP must identify any upgrading of the sewerage reticulation network required to meet the above requirement.

### **31. Rock Breaking, Drilling and Piling**

- a) Rock breaking, drilling and piling is permitted on the site for three hours a day between 2 p.m. and 5 p.m. on Monday, Tuesday, Thursday and Friday, excluding Public Holidays, until the required rock breaking, drilling or piling is completed.

Council and all residents within a 200m radius of the site must be advised in writing of the expected duration and the restricted times that rock breaking, drilling or piling will occur; or

- b) A noise management programme must be prepared for the rock breaking/drilling/piling activity, scheduling the expected equipment, duration (dates) and times (days and hours) of rock breaking, drilling or piling and the noise mitigation measures proposed.

The programme must be petitioned by all residents within 200m of the site of activity then submitted to and be endorsed by Council prior to commencement of works. All rock breaking, drilling or piling works must be carried out in accordance with the approved management programme, with the provision that no activity is permitted on Sundays or Public Holidays.

### **32. Further Approvals**

#### **Compliance Assessment**

In accordance with section 3.5.31A (conditions requiring compliance) of the Integrated Planning Act 1997 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
- \* Carparking layout
- \* Landscaping including street plantings and irrigation within the road reserve
- \* Internal stormwater management
- \* Soil and sediment control measures
- \* Modification to services such as:
  - \*\* Sewerage
  - \*\* Water
  - \*\* Stormwater

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 for an application form.

### 2. 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.

### 3. Water Supply

- a) The developer must make payment to Council to connect new water reticulation main(s) to Council's existing system. Requests for estimates for such connections are to be made to Infrastructure Planning - Water and Wastewater Business Unit and paid for prior to the works being undertaken.
- b) The developer will be advised of the minimum size water connection

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permitted upon application and in consultation with Council.

**4. Sewerage**

The developer must make payment to Council to connect new sewerage main(s) to Council's existing system. Requests for estimates for such connections are to be made to Infrastructure Planning - Water and Wastewater Business Unit and paid for prior to the works being undertaken.

**5. Earthworks**

If the development of the subject property requires soil to be imported or exported, the developer must identify the allotments which would be used for borrowing or filling and must obtain Council approval for such works in addition to engineering approval for the development. In this regard, the developer must obtain Council approval for the route of transport, the period and time of transport during the construction phase of the development.

**6. Rock Breaking**

- a) The activity of rock breaking is not assessable development under the City Plan 2005. However certain volumes of excavation associated with construction (Building Work) is assessable development. Rock breaking methods are regulated by the Workplace Health and Safety Act 1995, Environmental Protection Act 1994 and its regulations, policies and guidelines.
- b) Please be aware that the Department of Natural Resources, Mines and Water (DNRMW) Explosives Act 1999 and Explosives Regulations 1955 governs blasting using explosives in both rural and urban areas.

**7. Trade Waste Permit**

The developer is advised that a Trade Waste Permit may be required and should confirm this with Council's Trade Waste Inspector.

**8. 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.

**9. Noise**

Pool pumps are to be operated in accordance with the *Environmental Protection Regulation 1998*.

Pool pumps must not be operated

- \* Before 7 a.m. or after 10 p.m. on any day if it causes audible noise to be made;
- \* From 7 a.m. to 7 p.m. on any day if it makes or causes audible noise to be made of more than 50dB(A);
- \* From 7 a.m. to 10 p.m. on any day if it makes or causes noise to be made

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of more than 5dB(A) above the background noise level.

**Advice Agency Response - Department of Natural Resources and Water**

Pursuant to Section 3.3.16(1) of the *Integrated Planning Act 1997*, the Department of Natural Resources and Water advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use.

**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.

**Committee Recommendation >>**

**It was moved by Councillor J Lane, seconded by Councillor R Gartrell:**

"that the Officer's Recommendation and the following additional/amended conditions be adopted:

**ADDITIONAL**

**5. Noise Assessment Report**

The developer must implement the recommendations of the *Noise Impact Assessment* prepared by MWA Environmental dated 8 January 2008 to mitigate the noise impacts on future residents.

**AMENDED**

**16. Screening of Plant and Utilities**

Plant and utilities including air-conditioners must not be visible from the street. Air conditioning units for Levels 1 - 4 must be located in the plant rooms as nominated. The applicant must provide details of the location of air conditioning units at ground level to ensure the units are not visible from the street frontage and adequately screened. Details must be submitted prior to the issue of a Development Permit for Building Works. Furthermore they must be provided with aesthetic screens prior to the commencement of the use and must be maintained thereafter to the satisfaction of Council.

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**17. Visual Screens**

The developer must provide visual screens in accordance with the approved plans to avoid overlooking into the adjoining properties. Furthermore the visual screens must be provided prior to the commencement of the use and must be maintained thereafter to the satisfaction of Council.

**19. Refuse Facilities**

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Multiple Dwellings Code, in accordance with *City Plan Policy 2 - Development Standards, Section 8 - Provision for Refuse Services*. In particular,

- a) The approved waste storage areas are to be of sufficient size to house all bins including recycling bins. The storage areas are to be suitably paved, with hose cocks fitted in close proximity to the enclosures and drain to sewer via a legal sewer connection.
- b) An adequate hard stand area is to be made available along Perkins Street frontage for the collection of three (3) bulk garbage bins and six (6) recycling bins. Prior to the issue of a Development Permit for Building Works, the developer must provide a waste management plan to demonstrate how the bulk bins will be relocated from the waste storage areas to the collection points (ie. complex manager, etc.). When development is operational, please contact Environmental Health Services on 4727 9003 to commence refuse service.
- c) The minimum overhead clearance required for refuse collection is 6500mm. Access for the collection of bulk bins is not to be impeded by any over head obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- d) 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.
- e) The proposed waste refuse chute (as indicated on the submitted plans) must be designed and constructed in accordance with Townsville City Council Policy 105 - REQUIREMENTS FOR THE CONSTRUCTION AND INSTALLATION OF REFUSE CHUTES.

**21. Car Parking**

- a) All car parking facilities, associated ramps and driveways must be constructed in accordance with Council Standards detailed in City Plan Policy 2 – Development Standards and must be maintained thereafter to that standard.
- b) The driveway, manoeuvring areas, car parking areas and paths must all be constructed of:

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- \* 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.
- c) 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.
- d) The developer must provide a minimum 77 car spaces (including the car wash bay) on site of which of minimum 21 spaces are required to be dedicated for visitor parking and must be made available at all times for such.

Should it be the intent that the visitor spaces be provided behind a secured gate or barrier an intercom system or similar device must be provided to ensure public access to the visitor car parks.

- e) One (1) dedicated car washing bay is to be provided on site and is to be provided prior to the occupation of any of the units. The bay is to be designed and constructed in accordance with the following:
- \* imperviously paved
  - \* provided with a hose cock
  - \* graded to a central drain incorporating a silt trap
  - \* fitted with a diversion valve which allows contaminated run-off to pass to a sewer or as approved by Council in writing
- f) All exposed services provided within the car parking area must be suitably screened so as to conceal any unsightly elements. Details of such screening must be submitted to and approved in writing by Council prior to a Development Permit being issued for Building Work.

## **ADDITIONAL**

### **24. Groundwater and Dewatering Management**

A groundwater and dewatering management plan must be submitted to and be endorsed by Council prior to the issue of a Development Permit for Building Work.

The groundwater and dewatering management plan must be prepared by an appropriately qualified and experienced expert in the field to address the management of dewatering during the construction phase. In particular, the groundwater and dewatering management plan must consist of but not be limited to:

- a) monitoring frequencies (groundwater quality must be monitored before, during and after the construction of the development).
- b) bore monitoring locations.
- c) quantitative details of the dewatering system, including proposed duration of discharge and the hourly and total quantities of water to be discharged, and how this water will be treated.

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- d) provide information on standards to which the groundwater be treated to prior to offsite discharge and reasons why this standard has been chosen.
  - e) provide information on treatment methods including how groundwater will be treated to the specific standards, why the treatment method has been chosen and how effective it will be.
  - f) a monitoring plan including parameters, methodology, frequency and how and when monitoring data will be reported to Council. At a minimum the following items should be considered;
    - \* pH of the discharge water should be carefully monitored to provide and indicator or any potential oxidation of PASS affected by groundwater drawdown;
    - \* ferrous iron should be measured prior to discharge using colour-metric test strips. Where ferrous iron is detected, it will need to be held, treated and re-tested prior to discharge;
    - \* groundwater monitoring and sampling commence and continue during and after dewatering. As a minimum, pH, EC, DO, turbidity, water level, acidity as CaCO<sub>3</sub>, Fe and Al should be monitored at appropriate frequencies;
    - \* exact location and frequency of groundwater testing should be prescribed by a groundwater/water quality specialist. Evidence should be provided that any proposed groundwater treatment and monitoring plan will adequately describe the groundwater quality and the level of groundwater treatment prior to stormwater discharge.
  - g) a strategy to manage non-conformities.
  - h) location of treated water discharge.
  - i) details and qualifications of the designated suitably qualified person to oversee the dewatering process, water quality treatment, testing and reporting.
  - j) risk for settlement of neighbouring footings and in-ground services. Install permanent survey points for monitoring potential movements on the neighbouring structures on a regular basis, such as prior to commencement of the dewatering and then on a weekly interval.

The dewatering management strategies are re-evaluated following field trials to ensure the proposed management system performs adequately. All groundwater, PASS and other environmental monitoring results must be provided to Council on a regular basis during development.

#### **AMENDED**

#### **28. Roadworks and Traffic**

- a) The developer must construct a new concrete invert and crossover across the footpath in Perkins Street at the developer's expense in accordance with

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Council's standard drawing for *Driveway Accesses Urban Properties SD-030B*.

- b) The developer must remove the existing kerb and channel and vehicle accesses including crossovers in the kerb and channel, replace with new kerb and channel and reinstate the footpath on both street frontages in accordance with Council's standard drawing for *Kerb and Kerb & Channel Details*.
- c) The developer must gravel pave and bitumen surface the road shoulder in Perkins Street from lip of channel to edge of existing bitumen surfaced pavement for the full frontage of the development site in accordance with Council's standard drawing for *Gravel Bedding for Kerb and Channel*.
- d) The developer must construct a 1.5 metre wide concrete footpath to the full frontage of the site along both Davidson Street and Perkins Street in accordance with Council's standard drawings for *Typical Road Cross Sections* and *City Plan Policy 2 Development Standards*.
- e) The developer must provide line marking and signage for the on-street car parking spaces and bin collection point for Perkins Street and Davidson Street in accordance with the approved plans. Details of the line marking and signage must be provided as part of Compliance Assessment."

**CARRIED**

**Councillor V Veitch dissented from the above decision.**

**It was moved by Councillor B Hewett, seconded by Councillor R Gartrell:**

"that the Officer's recommendation be adopted."

**CARRIED**

There being no further items of business the Mayor, Councillor L Tyrell, closed the meeting at 8.45 am.

CONFIRMED this

day of

2009

MAYOR

CHIEF EXECUTIVE OFFICER