



Date >> 03 September 2024

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Decision Notice

Planning Act 2016

The Development Application for **Development Permit - Material Change Of Use (MCU22/0033.04) Change Other to Development Application - Addition of a Shopping Centre (Supermarket)** was assessed and **APPROVED SUBJECT TO CONDITIONS**. The decision was made on **29 August 2024**.

Details of the decision are as follows:

Application Details

Application no:	MCU22/0033.04
Assessment no:	10939030
Proposal:	Change Other to Development Application - Addition of a Shopping Centre (Supermarket)
Development Type:	Development Permit - Material Change of Use
Street address/s:	30-38 North Shore Boulevard BURDELL QLD 4818 6-10 Market Street BURDELL QLD 4818 1/6 Market Street BURDELL QLD 4818
Real property description/s:	Lot 843 SP 233011 Lot 850 SP 240571 Lot 2844 SP 253500
Assessment benchmarks:	<i>Planning Act 2016</i> <i>Planning Regulation 2017</i> North Queensland Regional Plan North Shore Plan of Development <ul style="list-style-type: none">• Structure Plan Area Code• Commercial Planning Area Code• Standards
Level of assessment	Assessable development - Impact assessment
Applicant reference:	P0051066

Conditions

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

Referral Agencies

Not Applicable.

Property Notes

Not Applicable.

Further Development Permits / Approvals Required

As listed in the Advice section of the Schedule of Conditions (attached).

Submissions

There was one (1) submission about the application. In accordance with section 63(2)(h) of the *Planning Act 2016*, the name, residential or business address, and electronic address of each principal submitter is provided (attached).

David Dudley
TIDYtsv@gmail.com

Address of the Submissions

- See below

Currency Period of Approval

Section 85 of the *Planning Act 2016* establishes when an approval lapses.

Rights of Appeal

Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the applicant and submitters to the Planning and Environment Court or Development Tribunals. Further information in relation to how to proceed to an appeal is enclosed.

Other Details

If the applicant wishes to obtain more information about council's decision, electronic copies are available on line at <http://eplanning.townsville.qld.gov.au/Pages/xc.track/SearchApplication.aspx> or at council offices.

If the applicant has any further queries in relation to the above, please do not hesitate to contact Planning and Development on telephone 13 4810 or email developmentassessment@townsville.qld.gov.au.

Yours faithfully

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

For Assessment Manager
Planning and Development

Appendices>> Statement of Reasons
 Schedule of Conditions
 Appeal Rights
Attachments>> Infrastructure Charge Notice
 Approved Plans/Documents

Notice about Decision - Statement of Reasons

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

This Notice is prepared in accordance with s63(5) and s83(7) of the Planning Act 2016 to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.*

All terms used in this Notice have the meanings given them in the Planning Act 2016.

Reasons for the Decision

Subject to the imposition of the development conditions contained within the Decision Notice, the development is able to comply with the following applicable Assessment Benchmarks against which the application was required to be assessed.

Applicable Assessment Benchmarks:

Planning Act 2016/Planning Regulation 2017

State Planning Policy

North Queensland Regional Plan 2020

North Shore Plan of Development (Neighbourhood Centre Sub Area)

- Structure Plan Area Code
- Commercial Planning Area Code
- Standards

Address of the Submissions

S 63 (5) (c) (ii) & (iii) PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Matters raised in any submissions and how the assessment manager dealt with the matters in reaching a decision

One submission was received during the statutory notification period. A description of the matter raised in the submission and how the assessment manager dealt with the matter is provided below:

Grounds of Submission - Litter Control

The submission stated: *if any Quick Service Restaurants / Fast Food Coffee and Cold Drink / Convenience outlets are proposed then a customer litter plan and a waste plan focusing on reuse and recycling to deal with the waste generated from leasing businesses must be in place.*

Response to Submissions

The Change Other application is only for the introduction of a Shopping centre (supermarket) which does not propose any additional take-away food options. The Fast Food Outlets have already been approved and no further conditions can be placed on the Development Permit regarding this use.

AMENDED SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE

Showroom, Child Care Centre (120 x Children), 2 x Fast Food Outlets
and Shopping Centre (Supermarket)

1. Approved Plans and Supporting Documentation

Condition

- a) The development must generally comply with the plan(s) and supporting documentation referenced in the table below and attached as stamped “Approved Subject to Conditions” which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Plan No.	Revision No.	Revision Date
Cover sheet	A-0.00	10	2023-02-21
Site masterplan	A-1.02	26 32	2023-02-24 2024-04-26
Development plan 01	A-2.01	15 19	2023-02-24 2024-04-15
Development plan 02	A-2.02	20 22	2023-02-24 2024-04-26
LFR - Elevations sheet 01	A-3.00	11 14	2023-02-24 2024-04-15
LFR - Elevations sheet 02	A-3.01	12 15	2023-02-24 2024-04-15
LFR - Elevations sheet 03	A-3.02	11 14	2023-02-24 2024-04-15
LFR - Section & finishes	A-3.03	12 15	2023-02-24 2024-04-15
Fast food 01 - Elevations sheet -01	A-3.10	13	2023-02-21
Fast food 01 - Elevations + section sheet -02	A-3.11	13 14	2023-02-24 2024-04-26
Fast food 02 - Elevations sheet -01	A-3.20	11	2023-02-21
Fast food 02 - Elevations + section sheet - 02	A-3.21	11	2023-02-21
Site plan	21687 DA1-100 C	C	07/07/2023
Comparison with Previous Approved DA	21687 DA1-101 B	B	07/07/2023
Ground floor plan	21687 DA1-130 C	C	07/07/2023
Elevations - 1	21687 DA1-200 C	C	07/07/2023
Elevations - 2	21687 DA1-205 C	C	07/07/2023
Signage & Materials	21687_DA1-400_A	A	07/07/2023
Signage & Materials	21687_DA1-410_A	A	07/07/2023
Sections	21687 DA-300 B	B	07/07/2023
Perspectives	21687_DA-900	C	07/07/2023
Perspectives - 2	21687_DA-910 B	B	07/07/2023
Rendered view 1	A.401	8	2023-02-21
Rendered view 2	A-402	8	2023-02-21
Rendered view 3	A-403	7	2023-02-21
Rendered view 4	A-404	7	2023-02-21

Rendered view 5	A-405	5	2023-02-21
Landscape concept plan as edited by council	21.314 - Sheet 1	M	14/11/22
Landscape sections	21.314 - Sheet 2	M	14/11/22
Proposed planting schedule	21.314 - Sheet 3	M	14/11/22
Proposed planting schedule	21.314 - Sheet 4	M	14/11/22
Proposed planting schedule	21.314 - Sheet 5	M	14/11/22
Proposed planting schedule	21.314 - Sheet 6	M	14/11/22
Proposed planting schedule as edited by council	21.314 - Sheet 7	M	14/11/22
Specifications as edited by council	21.314 - Sheet 8	M	14/11/22
Associated Reports			
<i>Site Services Report prepared by Robert Bird Group 01/02/2022</i>			

- b) The recommendations outlined in the above reports must be implemented prior to the commencement of the use.

Reason

The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.

Timing

During the operation and life of the development.

2. Enrolment Numbers

Condition

The number of enrolments places for Child Care Centre is limited to 120 places.

Reason

To ensure the development is appropriately serviced by public services and/or in accordance with the relevant code/s and policy direction.

Timing

At all times following the commencement of the use.

3. Storage

Condition

Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare. Any storage on site is required to be screened from view from all roads and adjacent properties.

Reason

To ensure the development does not have a detrimental effect on the visual amenity of the surrounding land in accordance with relevant code/s and policy direction.

Timing

At all times following the commencement of the use.

4. Sewerage Reticulation**Condition**

The development must be serviced by the public sewerage network. In particular, each lot must be provided with a single property service and must be connected directly and separately to council's sewer in accordance with Part 9.3.4 Reconfiguring a lot code and Part 9.3.6 Works code of the Townsville City Plan.

Reason

To ensure that the development is appropriately serviced by reticulated sewer infrastructure in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to council as part of an application for Operational Work and implemented prior to the release of the Plan of Survey.

Advice

SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

5. Water Supply**Condition**

The development must be serviced by the public water supply. In particular, a reticulated water supply must be provided to each lot within the proposed development in accordance with Part 9.3.4 Reconfiguring a lot code and Part 9.3.6 Works code of the Townsville City Plan.

Reason

To ensure that the development is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to council as part of an application for Operational Work and implemented prior to the release of the Plan of Survey. Alternatively, works can be completed by Townsville Water at the full cost of the developer through a quote arrangement and implemented prior to the release of the Plan of Survey.

Advice

The alternative timing (works carried out by quote arrangement) will not require an Operational Works application.

6. Conduit Assessment**Condition**

A visual inspection of the existing DN150 and DN225 sewer main traversing the site must be conducted in accordance with the following:

- a) An assessment is required on the condition of the DN150 sewer main from MH 2/BU1D to MH 1/BU1D and DN225 sewer main from MH 1/BU1D to MH A17/BU1.

- b) The assessment must be undertaken by a certified CCTV operator to perform conduit condition assessment and the results are to be submitted to council in an appropriate electronic format and accompanied by a written report for approval.
- c) Any upgrading or replacement determined by council will be carried out as part of the development at no expense to council.

Reason

To assess the condition of the conduit(s) in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to council as part of an application for Operational Work.

7. Electricity and Telecommunication

Condition

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Reason

To provide an appropriate level of electricity and telecommunication services for the development in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of use.

8. Relocation of Services or Facilities

Condition

Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council.

Reason

To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of use.

9. Stormwater Drainage

Condition

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the prescribed outcomes in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Timing

Technical details are to be submitted to council as part of an application for Operational Work and works completed prior to the commencement of the use and maintained for the life of the development.

10. Stormwater Quality Management

Condition

A Stormwater Quality Management Plan (SQMP) must be prepared by a suitably qualified person in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

The SQMP must be implemented in accordance with the guideline. All works must be carried out in accordance with SC6.4 Development manual planning scheme policy of the Townsville City Plan.

Reason

To manage and to minimise the risk of causing environmental harm to receiving waters, damage to council infrastructure, and unnecessary financial burdens to council and the community in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to council as part of an application for Operational Work and works completed prior to the commencement of the use and maintained for the life of the development.

11. Roadworks and Traffic

Condition

The existing vehicle access(es) including the crossover(s) in the kerb and channel must be in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan. During the construction phase, any damage to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with council's standards.

Reason

To provide development with access in accordance with council standards.

Timing

Prior to the commencement of use.

12. Car Parking

Condition

- a) All car parking facilities, associated ramps, and driveways must be provided in accordance with Part 9.3.5 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of ~~172~~ **186** car spaces including disabled parking must be provided on site in accordance with SC6.10 Parking rates planning scheme policy of the Townsville City Plan.

Reason

To ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to council as part of an application for Operational Work and maintained for the life of the development.

13. Car Parking Management Plan

Condition

A Car Parking Management Plan must be prepared demonstrating the functionality and management of the proposed car parking arrangement.

Reason

To ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to council as part of an application for a Certificate of Compliance, implemented prior to the commencement of use and maintained for the life of the development.

14. Property Numbering

Condition

Legible property numbers must be erected at the premises and must be maintained.

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.

Reason

To allow the general public, service and emergency service providers to effectively identify the property.

Timing

Prior to the commencement of the use and maintained for the life of the development.

15. Screening of Plant and Utilities

Condition

a) Unless otherwise agreed in writing by council, all plant and utilities must be screened or located so as not to be visible from the street.

b) *Screening details of the refuse/storage area located adjacent to North Shore Boulevard must be submitted for approval.*

Reason

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

Timing

a) Prior to the commencement of the use and maintained for the life of the development.

b) *Technical details are to be submitted to council as part of an application for a Certificate of Compliance, implemented prior to the commencement of use and maintained for the life of the development.*

16. Landscaping

Condition

Landscaping and Irrigation must be constructed in accordance with the accepted landscaping plans prepared by OneFin and edited by council and constructed to the relevant standards in accordance with relevant codes and policy direction.

All trees included in the design must be maintained in accordance with Australian Standard AS4373 to ensure the long term health, vigour and canopy they are intended to achieve.

Reason

To achieve the desired streetscape character of the location, and onsite aesthetic, in accordance with relevant code/s and policy direction.

Timing

To be constructed prior to the commencement of the use and maintained for the life of the development.

17. Street Enhancements

Condition

Street enhancements must be provided along the internal boulevard, in accordance with drawing A-1.02 (Site Masterplan)

Reason

To achieve the desired streetscape character of the location in accordance with Landscape Concept Plan.

Timing

To be constructed prior to the commencement of the use and maintained for the life of the development.

18. Existing Street Trees

Condition

Existing street trees located within the road reserve must not be damaged, removed, destroyed or lopped without the written consent of council first being obtained.

Reason

To maintain streetscape outcomes in accordance with relevant code/s and policy direction.

Timing

Written consent from council to be obtained prior to commencement of works.

19. Soil Erosion and Sediment Control Plan

Condition

- a) Soil erosion and sediment control (SESC) plans must be prepared by a suitably qualified professional and submitted to Council for approval, with the proposed SESC measures to be designed in accordance with "Best Practice Erosion and Sediment Control" published by the International Erosion Control Association (Australasian Chapter) (IECA, 2008). The plans must demonstrate that the proposed SESC measures will achieve the erosion and sediment control design objectives specified in Appendix 2, Table A of the State Planning Policy 2017.
- b) Prescribed Water Contaminants (as defined in the *Environmental Protection Act 1994*) must not be released from the site or to waters within the site, or be likely to be released should rainfall occur, unless all reasonable and practicable measures are taken to prevent or minimise the release and concentration of contamination. These measures must be designed, implemented and maintained in accordance with "Best Practice Erosion and Sediment Control" published by the International Erosion Control

Association (Australasian Chapter) (IECA, 2008) and achieve the design objectives specified in Appendix 2, Table A of the State Planning Policy 2017.

Reason

To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.

Timing

- a) Technical details to be submitted to Council as part of an application for Operational Works.
- b) At all times during the construction phase of the development.

Advice

Traditional (e.g. Type D) sediment basins operate as batch systems and are not recommended in coastal Queensland because rainfall often occurs in consecutive events which does not allow sufficient time for the batch process to occur. Batch basins would need to be impractically large or require impractical treatment and dewatering strategies to achieve the State Planning Policy 2017 design objectives. High Efficiency Sediment (HES) basins, which operate on a continuous flow basis, are recommended instead and allow a much greater volume of runoff to be treated for a given basin size compared to traditional batch basins. HES basins designed in accordance with the 2018 revision of Appendix B of IECA, 2008 will achieve the SPP design objective and are an accepted solution to achieve compliance with this policy.

20. Dust Management

Condition

A dust management plan must be prepared and submitted to council for approval. During Level 3 and 4 water restrictions, water must not be drawn from council's reticulated supply. The dust management plan must include detail of where water used for dust mitigation is to be drawn from should Level 3 and 4 water restrictions be in effect and/or imposed during the construction of the development.

Reason

To mitigate potential adverse impacts of dust hazards in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.5.2.1(12) Suppression of dust of the Townsville City Plan.

The drawing of water from a non-reticulated source is to provide the ongoing protection of council's reticulated supply.

Timing

A dust management plan must be prepared prior to construction commencing onsite and implemented during the construction phase of the development.

21. Refuse Facilities

Condition

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Part 9.3.6 Works code of the Townsville City Plan and in particular:

- a) A waste storage area must be provided of sufficient size to house all garbage bins including recycling bins. The developer must provide a storage area that is 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) Waste and recycling receptacles must be regularly serviced to prevent unsightly accumulations of waste.
- c) The minimum overhead clearance required for refuse collection is 6.5 metres. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance must 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) Access roads and driveways must be designed and constructed to accept vehicle loadings of not less than G.V.M 33 tonnes.

Reason

To ensure the premises is appropriately serviced and to protect matters of public health and amenity in accordance with relevant code/s and policy direction.

Timing

Prior to commencement of the use and to be maintained for the life of the development.

22. Service Deliveries and Refuse Collections

Condition

All vehicle delivery companies and their respective drivers are to be instructed to:

- Travel at low speeds only;
- minimise use of excessive engine revving and no rapid acceleration;
- do not use exhaust brakes whilst on site;
- do not park external to a loading dock with engines running for extended periods of time;
- the operator shall erect appropriate onsite signage in the service vehicle roadways and loading dock areas advising of the necessity to minimise noise and staff to be instructed to minimise noise by careful work practices (e.g. no dropping of pallets); and;
- a complaints response procedure is to be used in the instance of complaints regarding noise. This must detail names and address of the complainant, time and date the complaint was made, what the concern was about and the action taken by delegated management staff to investigate cause of complaint and provide measures to rectify noise problems as required.

Reason

To ensure that the use does not cause an environmental nuisance to nearby sensitive receptors in accordance with section 440 of the Environmental Protection Act 1994.

Timing

During the operation and life of the development.

23. Service Deliveries

Condition

Service and delivery vehicle activity and refuse collection by Heavy Rigid Vehicles (HRV) or larger vehicles to Fast Food Outlet No. 2 is to be conducted outside of peak periods only, unless otherwise approved by council.

Reason

To ensure that service deliveries to the site do not result in safety conflicts with pedestrians and customers to the site.

Timing

At all times following the commencement of the use.

24. Outdoor Lighting

Condition

Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in *Australian Standard 4282 - 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

Reason

To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

Timing

Prior to commencement of the use and to be maintained for the life of the development.

25. Building Materials

Condition

The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.

Reason

To ensure protection of matters of public safety and amenity in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use and maintained for the life of the development.

ADVICE

1. Infrastructure Charges

Advice

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.

2. Water Restrictions

Advice

a) To manage Townsville's water resources, council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the

current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;

- b) Developers remain responsible for compliance with any water restrictions as directed by council;
- c) During times of significant water shortage, council may refuse to grant developers exemptions from water restrictions for the purposes of landscaping works or soil erosion and sediment control activities;
- d) In circumstances where exemptions to water restrictions are no longer issued by council, bonding of soft landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. In cases where the soft landscaping is a component of permanent soil erosion and sediment control (such as an open drain) the use of “bonded fibre matrix” type hydro-mulch products or other suitable soil erosion and sediment control methods can be carried out as alternatives to demonstrate compliance with water restrictions; and
- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer.

3. Further Approvals Required

Advice

a) Operational Work

An Operational Work application must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by council.

All engineering, soil erosion and sediment control and landscaping designs/documentation associated with such an application must be prepared and where necessary, certified by a suitably qualified/experience person.

b) Plumbing and Drainage Works

A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

c) Building Works

A Development Permit for Building Works to carry out building works prior to works commencing on site.

d) Road Works Permit

A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.

e) Operational work - Signage

A Development Permit for Operational work is required for signage deemed to be code assessable in accordance with the Planning Scheme.

4. Earthworks

Condition

- a) Plans of any earthworks to be associated with the use that is deemed to be assessable development in accordance with the Categories of development and assessment - Operational work of the Townsville City Plan must be submitted to council for assessment; and
- b) Earthworks must be designed in accordance with Works code of the Townsville City Plan.

Reason

Earthworks are not approved as part of this Development Permit. It must be determined if the earthworks are deemed either Accepted development or Accepted development subject to requirements or a Code assessable Operational work development application to be lodged with council for assessment in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of construction.

5. Adverting Devices

Condition

- a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with Part 5.8 Categories of development and assessment - Operational work specifically Table 5.8.2 Operational work being placing an advertising device on premises of the Townsville City Plan must be submitted to council for assessment; and
- b) Signs must be designed in accordance with Part 9.3.1 Advertising devices code of the Townsville City Plan; and
- c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by council.

Note: Advertising Devices are included as a Plan Right development type, see council's website for a list of accredited consultants that can assist with the submission of an application.

6. Further Inspections Required

Advice

Compliance with Conditions

The following inspections will be required to be undertaken by council to determine compliance with conditions that are not subject to a further approval.

- Condition 14 - Property Numbering
- Condition 15 - Screening Plant and Utilities
- Condition 21 - Refuse Facilities
- Condition 25 - Building Materials

7. Shop Fit Out

Advice

- a) Prior to any fit out of the intended food premises, an application for food licence including details on the fit out of the premises must be submitted to council's Environmental Health Services. No fit out or construction may take place before approval is granted. A food premise is anywhere food or beverages are prepared, packed, stored, handled, serviced, supplied or delivered for sale.
- b) Prior to any fit out of the intended Skin Penetration Establishment, a separate application must be submitted to council's Environmental Health Services for Licence issue. No fit out or construction may take place before approval is granted.
- c) Where the premises is intended to be used for carrying out an Environmentally Relevant Activity (ERA) that has been devolved to council, as defined in Schedule 2 of the Environmental Protection Regulation 2019, an application for development approval under the *Planning Act 2016* must be submitted to the relevant administering authority prior to the commencement of the activity. To operate an ERA, an Environmental
- d) Authority is required. The application for the DA is also taken to be the application for the Environmental Authority.

Maximum penalties may be imposed for operating an Environmentally Relevant Activity (ERA) without a development approval.

Further to this; to operate an ERA the operator needs to be a registered suitable operator. Applications for this can be submitted to local government with the EA application or can be sent direct to Department of Environment and Science (DES). DES assess all suitable operator applications.

Maximum penalties may be imposed for operating an EA as an unregistered operator.

8. Connection to Council Water Supply

Advice

A copy of this permit and the approved water reticulation design must be submitted to Council with the appropriate application form for connection to council's water supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

9. Connection to Council Sewer

Advice

A copy of this permit and the approved sewer reticulation design must be submitted to council with the appropriate application form for connection to council's sewer supply. Council will respond to the application with a quotation for the work upon payment will schedule the works for connection.

10. Storage of Materials and Machinery

Advice

All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by council.

11. Building Work Noise

Advice

The hours of audible noise associated with construction and building work on site must be limited to between the hours of:

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

12. Specifications and Drawings

Advice

Details of council's specifications and standard drawings can be viewed on Council's website.

13. Environmental Considerations

Advice

Department of Environment and Science requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

14. Liquid Trade Waste Approval/Agreement

Advice

The developer is advised that a Trade Waste Approval/Agreement may be required under the *Water Supply (Safety and Reliability) Act 2008*. This should be discussed with council's Planning and Development team at an early stage of project development. Contact Tradewaste@townsville.qld.gov.au or 13 48 10.

15. Building Over/Adjacent to Services

Advice

The developer is advised that the proposed building structures are over/adjacent to an existing service. In accordance with QDC MP1.4, the applicant may be required to make an application to Council for consent under Section 191 of the *Water Supply (Safety and Reliability) Act 2008* for building over or adjacent to services.

16. Flammable and Combustible Liquids

Advice

Flammable and combustible liquids are to be stored and handled in accordance with AS 1940 The Storage and Handling of Flammable and Combustible Liquids.

17. Roadworks Approval

Advice

The developer is responsible for obtaining a Roadworks permit in accordance with Subordinate Local Law No. 1.15 (Carry out Works or Interfering with a Road or its Operation) 2011 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. The application must indicate the following:

- a) Completed Roadworks permit application form;
- b) Prescribed fee;

- c) Traffic Management Plan prepared by a suitable qualified traffic professional detailing the traffic management measures put in place to manage all Roadworks including pedestrians, cyclists and vehicles in accordance with the Manual of Uniform Traffic Control Devices (Queensland) Part 3 - Works on Roads.

If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required. This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need to be made to council for a letter of 'no objection' prior to applying to the Queensland Police Service for the permit. The Traffic Management Plan will need to be included with the application to council.

18. Clearance to Structure (Ergon Energy)

Advice

The development site may be within 5m of an overhead powerline owned by Ergon Energy. There are strict legal and safety requirements for any buildings near an overhead powerline. Please contact Ergon Energy for safety advice on 13 74 66 or search for 'safety advice' on the Ergon Energy website and make an application if structures or works are proposed or if any person, plant or equipment will come within 5m of an existing line. To avoid building delays, it is advised you contact Ergon Energy early.

19. Regulated Device Audible Noise

Advice

A person must not operate a regulated device in a way that makes an audible noise:

- On a business day or Saturday, before 7.00a.m or after 7.00p.m; or
- On any other day, before 8.00a.m or after 7.00p.m.

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Applicants and submitters have appeal rights under Chapter 6, Part 1 of the *Planning Act 2016*. Information about how to proceed with an appeal to the Planning and Environment Court can be found on the Court's website:

Planning and Environment Court

website www.courts.qld.gov.au/courts/planning-and-environment-court

Planning and Environment Court (Townsville)

post PO Box 1032 Townsville Qld 4810

visit 31 Walker Street Townsville Qld 4810

telephone (07) 4781 8689 (general enquiries) / (07) 4781 8686 (registrar)

email townsville.hcregistry@justice.qld.gov.au

In addition, Chapter 6, Part 2 of the *Planning Act 2016* affords the opportunity to proceed to an appeal to the Development Tribunal. Information about how to proceed with an appeal to the Development Tribunals can be found on the Department of Energy and Public Works website:

Development Tribunals

website <https://www.qld.gov.au/housing/building-home/building-complaints/appealing-development-tribunals>

Department of Energy and Public Works, The Registrar Development Tribunals

post GPO Box 2457 Brisbane Qld 4001

telephone 1800 804 833

email registrar@epw.qld.gov.au

website www.epw.qld.gov.au

To stay informed about any appeal proceedings which may relate to this decision visit:

<https://planning.statedevelopment.qld.gov.au/planning-framework/dispute-resolution/court-database>