

# **DRAFT FUTURE DEVELOPMENT AREA SCHEME**

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## DRAFT FUTURE DEVELOPMENT AREA SCHEME

### TABLE OF CONTENTS

	<u>Page</u>
PART A: EXPLANATORY PROVISIONS.....	1
1 Short Title .....	1
2 Application .....	1
3 Relationship with the Integrated Planning Act 1997 .....	1
4 Relationship with the Breakwater Island Casino Agreement Act 1984 .....	2
5 Structure of FDA Scheme .....	2
6 Definitions .....	2
PART B – GENERAL PROVISIONS FOR ASSESSMENT TABLES.....	4
7 Assessment Categories .....	4
PART C - THE FDA SCHEME CODE.....	17
8 Compliance with the FDA Scheme Code .....	17
9 Overall Outcomes of FDA Scheme Area.....	17
10 Precinct Development Outcomes .....	18
11 Assessment Criteria .....	20
PART D – FDA PORT PROTECTION CODE .....	24
PART E CONDITIONS.....	27
12 Conditions .....	27
13 Maps .....	28

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## PART A: EXPLANATORY PROVISIONS

### 1 SHORT TITLE

- 1.1 This Future Development Area Scheme may be cited as the FDA Scheme.

### 2 APPLICATION

- 2.1 This FDA Scheme applies to that part of the Local Government Area identified as the FDA Scheme Area in **Map 1: FDA Scheme Area**.

### 3 RELATIONSHIP WITH THE INTEGRATED PLANNING ACT 1997

- 3.1 This FDA Scheme takes effect under the *Integrated Planning Act* 1997 in accordance with Clause 69 of the Formal Agreement ratified in the *Breakwater Island Casino Agreement Act* 1984.

- 3.2 This FDA Scheme takes effect as a preliminary approval under s.3.1.5 of the *Integrated Planning Act* 1997 for a mixed use development, comprising an ocean terminal, residential, retail, commercial and marina development. Pursuant to s.3.1.6 (Preliminary Approval may override a local planning instrument) of the *Integrated Planning Act* 1997, this Preliminary Approval:

- 3.2.1 approves development being a material change of use for the purposes specified in this FDA Scheme, a reconfiguration of a lot, building work and operational work that varies City Plan 2005 for the FDA Scheme Area by:

- a) stating whether development is assessable, self-assessable or exempt;
- b) stating assessment levels for assessable development that override any Table of Assessment in Part 4 of City Plan 2005 that may be or become applicable to the FDA Scheme Area;
- c) adopting specific Codes applying to development within the FDA Scheme Area;
- d) overriding any code in the City Plan 2005 applicable to development within the FDA Scheme Area, to the extent of any inconsistency with the specific codes in this FDA Scheme; and

- 3.2.2 approves a Reconfiguration of the FDA Scheme Area generally in accordance with **Map 6: Reconfiguration Concept**.

- 3.3 For clarity, any applicable code or policy in City Plan 2005, not inconsistent with the specific codes in this FDA Scheme, including any headworks contributions or infrastructure charges, remains applicable (or can be made applicable) to development in the FDA Scheme Area to the same extent as similar development within the Local Government Area .

- 3.4 For the purpose of s.3.5.21 of the *Integrated Planning Act* 1997, the currency period for the Preliminary Approval within this FDA Scheme is twenty (20) years in accordance with Clause 69(7)(b)(ii) of the Formal Agreement ratified in the *Breakwater Island Casino Agreement Act* 1984. Nothing prevents any extension of this currency period of this FDA Scheme if approved by the local government pursuant to the *Integrated Planning Act* 1997.

#### 4 RELATIONSHIP WITH THE BREAKWATER ISLAND CASINO AGREEMENT ACT 1984

- 4.1 Any request to change this FDA Scheme pursuant to Section 3.5.2 (Request to Change Development Approval other than a change of Condition) or Section 3.5.33 (Request to Change or Cancel a Condition) of the *Integrated Planning Act 1997* is subject to Clause 76 (Limitations on Changes to the Port Protection Code) of the Formal Agreement ratified in the *Breakwater Island Casino Agreement Act 1984*.
- 4.2 This FDA Scheme may also be changed by a Local Government only in accordance with Clause 70 (where the Future Development Scheme may be changed by the Local Government) of the Formal Agreement ratified in the *Breakwater Island Casino Agreement Act 1984*.
- 4.3 The FDA Port Protection Code may only be changed by the Chief Executive under the *Transport Infrastructure Act 1994*, in accordance with Clause 76 (Limitations on Changes to the Port Protection Code) of the Formal Agreement ratified in the *Breakwater Island Casino Agreement Act 1984*.

#### 5 STRUCTURE OF FDA SCHEME

The provisions of this FDA Scheme comprise:

- 5.1 Definitions and interpretation;
- 5.2 General Provisions for the Assessment Tables;
- 5.3 Assessment Tables for each Precinct;
- 5.4 The FDA Scheme Code comprising:
  - 5.4.1 overall outcomes for the FDA Scheme Area;
  - 5.4.2 specific outcomes for each Precinct; and
  - 5.4.3 mandatory Codes for various types of development;
- 5.5 The FDA Port Protection Code; and
- 5.6 Conditions.

#### 6 DEFINITIONS

Terms used in this FDA Scheme have the meanings defined by City Plan 2005 or the *Integrated Planning Act 1997*, unless otherwise defined as below:

- 6.1 “**Amenity Impacts**” means impacts on amenity from the lawful operation of the Port of Townsville including noise, dust (air particle emissions), light, odour, electromagnetic interference and other disturbances;
- 6.2 “**City Plan 2005**” includes all planning instruments for the Townsville Local Government Area as amended (or renamed);

- 6.3 **“Design Provisions”** means provisions intended to minimise Amenity Impacts that relate to:
- 6.3.1 orientation of improvements on lots in any community title scheme;
  - 6.3.2 materials used in the construction of improvements, including buildings;
  - 6.3.3 attenuation stipulations, including in respect of orientation, materials or location of living and sleeping areas appropriately in buildings; and
  - 6.3.4 location and choice of facilities and services associated with improvements on lots in the community title scheme.
- 6.4 **“Dwelling House”** means a Detached House as defined in City Plan 2005 and a dwelling unit on an independent lot with a single party wall (but excluding a Multiple Dwelling);
- 6.5 **“Entertainment Centre”** means a mixed use development primarily for convention, exhibition, conference and cultural facility functions, including any ancillary and supportive office, administrative, catering shop, retail, commercial and carparking uses;
- 6.6 **“FDA Scheme Area”** means the area identified as the FDA Scheme Area in **Map 1: FDA Scheme Area**;
- 6.7 **“FDA Scheme Code”** means Part C of this FDA Scheme;
- 6.8 **“Ground Level”** is to be defined in accordance with the final ground level approved for any part of the FDA Scheme Area by the Local Government pursuant to applications made in accordance with Clause 68 (Work for the Future Development Area) of the Formal Agreement ratified by the *Breakwater Island Casino Agreement Act 1984*.
- 6.9 **“Local Government Area”** means the Local Government Area of Townsville as defined in the *Breakwater Island Casino Agreement Amendment Act 2006*;
- 6.10 **“Marina Facilities”** means administrative offices, boat brokerage and charter facilities, chandlery, boat storage, tackle and bait shop, small sale convenience shop, fuelling provisions and associated facilities and car parking;
- 6.11 **“Parkland”** means any publicly owned or controlled land used as a children’s playground, playing field, botanical garden, passive recreation area, picnic area, tennis court or other outdoor recreational area which is normally open to the general public without a fee. The term includes such ancillary uses as public toilets, changing rooms and car parking within or associated within the site.
- 6.12 **“Site”** means any land on which development is carried out or is proposed to be carried out whether such land comprises:
- 6.12.1 the whole or any one lot, or parcel of land;
  - 6.12.2 only part of one lot;
  - 6.12.3 more than one lot where each lot is contiguous with the other or another lot; or
  - 6.12.4 conjointly used lands which are not adjoining lands.

- 6.13 **“Storey”** means a space within a building situated between one floor level and the floor level next above, including a mezzanine level, excluding any:
- 6.13.1 Roof feature for architectural or design features such as clock towers, observation platforms, flagpoles and shade structures that does not increase the gross floor area of the building;
  - 6.13.2 Features designed to ameliorate Amenity Impacts (such as screening);
  - 6.13.3 Lift, plant room or other area for the primary use or operation of plant or infrastructure; and
  - 6.13.4 Any basement car parking not exceeding 1.5m from Ground Level.
- 6.14 **“TOT Facility”** means a multi-purpose facility accommodating visiting passenger/military ship terminal, adjoining wharf and ancillary administrative facilities, including car parking, customs and security facilities, offices, catering shop and shop primarily for the service of passengers and crew, function, exhibition, conference centre including ancillary tourist and hospitality uses.

## PART B – GENERAL PROVISIONS FOR ASSESSMENT TABLES

### 7 ASSESSMENT CATEGORIES

- 7.1 The Assessment Categories are identified for development in each Precinct in Column 1 of Tables 1 to 6 as follows:
- 7.1.1 Tables 1A – 6A – Making a Material Change of Use listed in Column 2: and
  - 7.1.2 Tables 1B – 6B – Other Development listed in Column 2, including:
    - a) carrying out building works not associated with material change of use;
    - b) carrying out operational works for excavation or filling;
    - c) reconfiguring a lot; and
    - d) carrying out operational works for reconfiguring a lot.
- 7.2 The applicable codes in each Precinct are referred to in Column 3 of Tables 1 - 6.
- 7.3 For self-assessable development, the probable solutions in Applicable Codes are mandatory solutions for that development. Self-assessable development that does not comply with any probable solution identified in a City Plan 2005 Code listed in Column 3 is taken to require code assessment. However, where self-assessable development does not comply with the mandatory solutions in the FDA Scheme Code Section 11 or the probable solutions in the FDA Port Protection Code, it requires impact assessment.
- 7.4 For code assessable development, solutions in the FDA Scheme Code, Section 11 and the FDA Port Protection Code, Section 13 are mandatory solutions for that development. Code assessable development that does not comply with the probable solutions in the FDA Scheme Code, Section 11 or the probable solutions in the FDA Port Protection Code, Section 13 requires impact assessment.
- 7.5 For impact assessable development, where the probable solutions in the FDA Port Protection Code are not met, the proposed development is deemed an inconsistent use with this FDA Scheme.
- 7.6 Applicable Codes listed in Column 3 of Tables 1 - 6 that are not included in this FDA Scheme are contained in City Plan 2005.

TABLE 1A

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR THE ENTERTAINMENT CENTRE PRECINCT – MAKING A MATERIAL CHANGE OF USE**

COLUMN 1	COLUMN 2	COLUMN 3
	DEFINED USE	APPLICABLE CODES
<b>EXEMPT</b>	Parkland Local Utility	
<b>SELF ASSESSMENT</b>		<b>All self assessable uses:</b> FDA Scheme Code FDA Port Protection Code <b>AND</b>
	Car Park	Parking and Access Code
	Minor or Temporary Telecommunications Facility	Telecommunications Facility Code (section 4)
<b>CODE ASSESSMENT</b>		<b>All code assessable uses:</b> FDA Scheme Area Code FDA Port Protection Code Landscaping Code Parking and Access Code Works Code <b>AND</b>
	Caretaker's Residence	Caretaker's Residence Code
	Entertainment Centre	
	Indoor Recreation	
	Market	
	Office (where building work is required)	
	Restaurant (where building work is required)	
	Shop (where building work is required)	
<b>IMPACT ASSESSMENT</b>	All other uses except for a road.	

TABLE 1B

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR ENTERTAINMENT CENTRE PRECINCT – OTHER DEVELOPMENT**

COLUMN 1	COLUMN 2	COLUMN 3
	TYPE OF DEVELOPMENT	APPLICABLE CODES
<b>EXEMPT</b>	Carrying out <b>building work</b> being demolition or removal of a building  Any other development not listed below	
<b>SELF ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >0.3m and <1.0m in depth (where more than 1.5m from a boundary) or >10m <sup>3</sup> and <50m <sup>3</sup> in volume	Works Code (section 2, PS3. only)
	Carrying out <b>building work</b> other than demolition or removal, where not associated with a material change of use	FDA Scheme Code FDA Port Protection Code
<b>CODE ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >1.0m in depth or >50m <sup>3</sup> in volume or excavating or filling by >0.3m in depth within 1.5m of a boundary	Works Code
	<b>Operational work for reconfiguring a lot</b> where the reconfiguring is assessable	Works Code
	<b>Reconfiguring a lot</b>	Reconfiguring Lots Code

TABLE 2A

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR THE TRADITIONAL RESIDENTIAL PRECINCT – MAKING A MATERIAL CHANGE OF USE**

COLUMN 1	COLUMN 2	COLUMN 3
	DEFINED USE	APPLICABLE CODES
<b>EXEMPT</b>	Parkland Local Utility	
<b>SELF ASSESSMENT</b>	Display Home Dwelling House Home Based Business Minor or Temporary Telecommunications Facility	<b>All self assessable uses:</b> FDA Scheme Code FDA Port Protection Code <b>AND</b> Detached House Code Detached House Code Home Based Business Code Telecommunications Facility Code (section 4)
<b>CODE ASSESSMENT</b>		<b>All code assessable uses:</b> FDA Scheme Code FDA Port Protection Code Landscaping Code Parking and Access Code Works Code <b>AND</b>
	Caretaker's Residence	Caretaker's Residence Code
<b>IMPACT ASSESSMENT</b>	All other uses except for a road	



TABLE 2B

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR THE TRADITIONAL RESIDENTIAL PRECINCT – OTHER DEVELOPMENT**

COLUMN 1	COLUMN 2	COLUMN 3
	TYPE OF DEVELOPMENT	APPLICABLE CODES
<b>EXEMPT</b>	Carrying out <b>building work</b> being demolition or removal of a building  Any other development not listed below	
<b>SELF ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >0.3m and <1.0m in depth (where more than 1.5m from a boundary) or >10m <sup>3</sup> and <50m <sup>3</sup> in volume	Works Code (section 2, PS3. only)
	Carrying out <b>building work</b> other than demolition or removal, where not associated with a material change of use	FDA Scheme Code FDA Port Protection Code
<b>CODE ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >1.0m in depth or >50m <sup>3</sup> in volume or excavating or filling by >0.3m in depth within 1.5m of a boundary	Works Code
	<b>Operational work for reconfiguring a lot</b> where the reconfiguring is assessable	Works Code
	<b>Reconfiguring a lot</b>	Reconfiguring Lots Code



TABLE 3A

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR THE MARINA FACILITIES PRECINCT – MAKING A MATERIAL CHANGE OF USE**

COLUMN 1	COLUMN 2	COLUMN 3
	DEFINED USE	APPLICABLE CODES
<b>EXEMPT</b>	Parkland Local Utility	
<b>SELF ASSESSMENT</b>	Marina Facilities	<b>All self assessable uses:</b> FDA Scheme Code FDA Port Protection Code Landscaping Code Parking and Access Code Works Code <b>AND</b>
	Minor or Temporary Telecommunications Facility	Telecommunications Facility Code (section 4)
<b>CODE ASSESSMENT</b>		<b>All code assessable uses:</b> FDA Scheme Code FDA Port Protection Code Landscaping Code Parking and Access Code Works Code <b>AND</b>
	Caretaker's Residence	Caretaker's Residence Code
<b>IMPACT ASSESSMENT</b>	All other uses except for a road	

TABLE 3B

ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR THE MARINA FACILITIES PRECINCT – OTHER DEVELOPMENT

COLUMN 1	COLUMN 2	COLUMN 3
	TYPE OF DEVELOPMENT	APPLICABLE CODES
<b>EXEMPT</b>	Carrying out <b>building work</b> being demolition or removal of a building	
	Any other development not listed below	
<b>SELF ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >0.3m and <1.0m in depth (where more than 1.5m from a boundary) or >10m <sup>3</sup> and <50m <sup>3</sup> in volume	Works Code (section 2, PS3. only)
	Carrying out <b>building work</b> other than demolition or removal, where not associated with a material change of use	FDA Scheme Code FDA Port Protection Code
<b>CODE ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >1.0m in depth or >50m <sup>3</sup> in volume or excavating or filling by >0.3m in depth within 1.5m of a boundary	Works Code
	<b>Operational work for reconfiguring a lot</b> where the reconfiguring is assessable	Works Code
	<b>Reconfiguring a lot</b>	Reconfiguring Lots Code

TABLE 4A

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR MULTIPLE DWELLING PRECINCT – MATERIAL CHANGE OF USE**

COLUMN 1	COLUMN 2	COLUMN 3
	DEFINED USE	APPLICABLE CODES
<b>EXEMPT</b>	Parkland Local Utility	
<b>SELF ASSESSMENT</b>		<b>All self assessable uses:</b> FDA Scheme Code FDA Port Protection Code <b>AND</b>
	Display Home	Detached House Code
	Dwelling House	Detached House Code
	Home Based Business	Home Based Business Code
	Minor or Temporary Telecommunications Facility	Telecommunications Facility Code (section 4)
<b>CODE ASSESSMENT</b>		<b>All code assessable uses:</b> FDA Scheme Code FDA Port Protection Code Landscaping Code Parking and Access Code Works Code <b>AND</b>
	Catering Shop	Minor Centres Code
	Child Care Centre	Child Care Centre Code
	Marina Facilities	Minor Centres Code
	Multiple Dwellings	Multiple Dwelling Code
	Shop	Minor Centres Code
	Restaurant	Minor Centres Code
<b>IMPACT ASSESSMENT</b>	Other uses except for a road.	

TABLE 4B

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR MULTIPLE DWELLING PRECINCT – OTHER DEVELOPMENT**

COLUMN 1	COLUMN 2	COLUMN 3
	TYPE OF DEVELOPMENT	APPLICABLE CODES
<b>EXEMPT</b>	Carrying out <b>building work</b> being demolition or removal of a building  Any other development not listed below	
<b>SELF ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >0.3m and <1.0m in depth (where more than 1.5m from a boundary) or >10m <sup>3</sup> and <50m <sup>3</sup> in volume	Works Code (section 2, PS3. only)
	Carrying out <b>building work</b> other than demolition or removal, where not associated with a material change of use	FDA Scheme Code FDA Port Protection Code
<b>CODE ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >1.0m in depth or >50m <sup>3</sup> in volume or excavating or filling by >0.3m in depth within 1.5m of a boundary	Works Code
	<b>Operational work for reconfiguring a lot</b> where the reconfiguring is assessable	Works Code
	<b>Reconfiguring a lot</b>	Reconfiguring Lots Code

**TABLE 5A**

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR THE GREEN SPACE PRECINCT – MATERIAL CHANGE OF USE**

COLUMN 1	COLUMN 2	COLUMN 3
	DEFINED USE	APPLICABLE CODES
<b>EXEMPT</b>	Parkland Local Utility	
<b>SELF ASSESSMENT</b>		<b>All self assessable uses:</b>  FDA Scheme Code FDA Port Protection Code  <b>AND</b>
	Minor or Temporary Telecommunications Facility	Telecommunications Facility Code (section 4)
<b>CODE ASSESSMENT</b>	Nil	Nil
<b>IMPACT ASSESSMENT</b>	Other uses except for a road.	

TABLE 5B

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR THE GREEN SPACE PRECINCT – OTHER DEVELOPMENT**

COLUMN 1	COLUMN 2	COLUMN 3
	TYPE OF DEVELOPMENT	APPLICABLE CODES
<b>EXEMPT</b>	Carrying out <b>building work</b> being demolition or removal of a building  Any other development not listed below	
<b>SELF ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >0.3m and <1.0m in depth (where more than 1.5m from a boundary) or >10m <sup>3</sup> and <50m <sup>3</sup> in volume	Works Code (section 2, PS3. only)
	Carrying out <b>building work</b> other than demolition or removal, where not associated with a material change of use	FDA Scheme Code FDA Port Protection Code
<b>CODE ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >1.0m in depth or >50m <sup>3</sup> in volume or excavating or filling by >0.3m in depth within 1.5m of a boundary	Works Code
	<b>Operational work for reconfiguring a lot</b> where the reconfiguring is assessable	Works Code
	<b>Reconfiguring a lot</b>	Reconfiguring Lots Code

**TABLE 6A**

Note: This Table of Assessment is subject to any requirements of the *Transport Infrastructure Act 1994* in relation to the approval of use of Strategic Port Land.

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR TOWNSVILLE OCEAN TERMINAL PRECINCT – MATERIAL CHANGE OF USE**

COLUMN 1	COLUMN 2	COLUMN 3
	DEFINED USE	APPLICABLE CODES
<b>EXEMPT</b>	Parkland Local Utility	
<b>SELF ASSESSMENT</b>	TOT Facility	<b>All self assessable uses:</b> FDA Scheme Code FDA Port Protection Code Landscaping Code Parking and Access Code <b>AND</b>
	Minor or Temporary Telecommunications Facility	Telecommunications Facility Code (section 4)
<b>CODE ASSESSMENT</b>		<b>All code assessable uses:</b>
	Marina Facilities	Minor Centres Code
<b>IMPACT ASSESSMENT</b>	Other uses except for a road.	

**TABLE 6B**

Note: This Table of Assessment is subject to any requirements of the *Transport Infrastructure Act 1994* in relation to the approval of use of Strategic Port Land.

**ASSESSMENT CATEGORIES AND APPLICABLE CODES FOR TOWNSVILLE OCEAN TERMINAL PRECINCT – OTHER DEVELOPMENT**

COLUMN 1	COLUMN 2	COLUMN 3
	TYPE OF DEVELOPMENT	APPLICABLE CODES
<b>EXEMPT</b>	Carrying out <b>building work</b> being demolition or removal of a building	
	Any other development not listed below	
<b>SELF ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >0.3m and <1.0m in depth (where more than 1.5m from a boundary) or >10m <sup>3</sup> and <50m <sup>3</sup> in volume	Works Code (section 2, PS3. only)
	Carrying out <b>building work</b> other than demolition or removal, where not associated with a material change of use	FDA Scheme Code FDA Port Protection Code
<b>CODE ASSESSMENT</b>	<b>Operational works</b> being excavating or filling premises by >1.0m in depth or >50m <sup>3</sup> in volume or excavating or filling by >0.3m in depth within 1.5m of a boundary	Works Code
	<b>Operational work for reconfiguring a lot</b> where the reconfiguring is assessable	Works Code
	<b>Reconfiguring a lot</b>	Reconfiguring Lots Code



## PART C - THE FDA SCHEME CODE

### 8 COMPLIANCE WITH THE FDA SCHEME CODE

#### 8.1 Development that:

8.1.1 Does not compromise the overall outcomes and purpose of the Code as identified in Section 9 for the FDA Scheme Area, and

8.1.2 Is consistent with specific outcome SO1 for the Precinct in which the development is located; and

complies with this FDA Scheme Code.

#### 8.2 The following uses as defined by City Plan 2005 are considered inconsistent with the FDA Scheme Area and, in particular, are considered inconsistent with the specific outcome SO1 for the FDA Scheme Area and specific outcomes SO2 for all Precincts:

Agriculture, Animal Husbandry, Aquaculture, Car Washing Station, Caravan Park, Commercial Animal Keeping, Community Residence, Educational Establishment, Extractive Industry, Funeral Directors Premises, Garden Centre, General Industry, Hospital, Institutional Residence, Intensive Animal Husbandry, Landscape Supplies, Motel, Outdoor Recreation, Roadside Stall, Rural Services Industry, Sales or Hire Yard, Service Industry, Stable, Storage or Contractor's Yard, Transport Depot, Vehicle Repair Premises, Warehouse.

### 9 OVERALL OUTCOMES OF FDA SCHEME AREA

#### SO1 The purpose of this Code is to achieve the following overall outcomes for the FDA Scheme Area:

9.1 Create a vital, mixed use and highly urbane residential environment focused on high quality residential living, waterfront public access and marina facilities;

9.2 Development respects the highly visible nature of the FDA Scheme Area and provides a built form that interacts positively with:

9.2.1 Existing development in the locality, particularly the Breakwater Island Casino-Hotel Complex and the Townsville Entertainment Centre, as the pre-eminent casino/gaming/entertainment facility in Townsville;

9.2.2 The Strand public open space;

9.2.3 The existing Marina; and

9.2.4 The Port of Townsville.

9.3 Establishes and maintains a scale and density of development which respects the planned intent of development overall within this FDA Scheme;

9.4 Provides for a comprehensive development that includes the following elements:

9.4.1 High quality buildings in a variety of built forms and densities;

9.4.2 Public open spaces, landscaping and pedestrian circulation;

9.4.3 Private and public access to waterfront;

- 9.4.4 Facilities to support marina and boating activities;
- 9.4.5 Lot sizes that incorporate landscaping and visual buffers for individual uses; and
- 9.4.6 The Townsville Ocean Terminal Facility.

## 10 PRECINCT DEVELOPMENT OUTCOMES

**SO1** Development is to be consistent with the specific outcomes for the Precinct in which it is located in **Map 2: Use Precincts**. The Specific Outcomes for each Precinct within the FDA Scheme Area are as follows:

### 10.1 Entertainment Centre Precinct

- 10.1.1 This Precinct is intended at all times to accommodate a Car Park for not less than 500 spaces for the non-exclusive use of adjoining development, including the Townsville Entertainment Centre and any future Entertainment Centre Uses developed on the land ;
- 10.1.2 To ensure active use of the Car Park during off peak times, the assessment manager may permit some of the car parking spaces provided in this precinct, to be utilised to satisfy the requirements for car parking required for the commercial and retail uses approved in the nearby Multiple Dwelling Precinct;
- 10.1.3 Future development of the Precinct may occur, subject to the retention of the car parking spaces and include redevelopment to allow for Multi Storey Car parking facilities and Entertainment Centre Uses;
- 10.1.4 Residential development is not envisaged within this Precinct at any time.

### 10.2 Multiple Dwelling Precinct

- 10.2.1 This Precinct primarily accommodates multiple dwelling residential uses over an active waterfront ground level to encourage residents and visitors to utilise marina frontage areas;
- 10.2.2 Mixed use ground floor retail, restaurants and commercial facilities are encouraged to develop an active, highly pedestrian orientated waterside public area;
- 10.2.3 Development is designed to take advantage of the significant views of the Strand, Castle Hill, Magnetic Island and Cleveland Bay;
- 10.2.4 A safe, interactive outdoor environment for residents must be promoted by encouraging; ground level differentiation between Marina Facilities and residential uses; passive surveillance; lighting and/or design elements;
- 10.2.5 A residential density not exceeding that indicated on **Map 4: Maximum No of Dwelling Units**, is expected after full consideration is given to location, design and climatic aspects of individual developments on individual sites;
- 10.2.6 Individual sites within the Precinct will not generally exceed that proportion of the overall density indicated on **Map 4: Maximum No of Dwelling Units** relevant to that proportion of the individual site within the overall Multiple Dwelling Precinct, unless a reduction in the proportionate density for another site within the Precinct exists.
- 10.2.7 The existing character and economic benefit of the Casino Complex and hotel and the Townsville Entertainment Centre to the Local Government Area is to be respected with any public walkway areas integrated with pedestrian access to those adjoining uses;

- 10.2.8 **Area A** as identified on Map 4: Maximum No of Dwelling Units is to be an 'iconic' slim building of a maximum height as allowed by **Map 3: Building Storeys** as an entry statement into the Marina Basin.
- 10.2.9 The extension to the Northern (Offshore) Breakwater is not intended to be available for public access.
- 10.3 Traditional Residential Precinct
- 10.3.1 Land primarily accommodates low-density Dwelling Houses on individual lots;
- 10.3.2 Most lots will access private marina berths within the Canals;
- 10.3.3 Each Dwelling House is to be set in a landscaped private allotment and include residential and visitor car accommodation on site;
- 10.3.4 Siting and design of each Dwelling House respects the design, privacy and amenity of its neighbours and takes maximum advantage of its water frontage or marina outlook; and
- 10.3.5 Public access to the waterfront in front in this Precinct is not encouraged.
- 10.4 Marina Facilities Precinct
- 10.4.1 This Precinct is to primarily accommodate all Marina Facilities including public access to Marina berths, Marina Facility car parking and ancillary uses; and
- 10.4.2 Public access to the waterfront in this Precinct is required at all times.
- 10.5 Green Space Precinct
- 10.5.1 This Precinct is to primarily accommodate Parkland activities including opportunities for viewing platforms;
- 10.5.2 The North-Eastern corner of the Offshore Breakwater may be utilised in future for an expansion of the Townsville Ocean Terminal Precinct.
- 10.5.3 It is not envisaged that any other development in these areas occur at any time in future.
- 10.6 Townsville Ocean Terminal Precinct
- 10.6.1 This Precinct is to accommodate the TOT Facility.
- 10.6.2 Use of this Precinct may be subject to the provisions of the Port of Townsville Land Use Plan pursuant to the *Transport Infrastructure Act 1994* as Strategic Port Land.

## 11 ASSESSMENT CRITERIA

**SO3** All development within the FDA Scheme Area must comply with the Specific Outcomes of Table 7 below:

**TABLE 7: MANDATORY REQUIREMENTS**

SPECIFIC OUTCOMES		MANDATORY SOLUTIONS	
Building Heights			
SO3	The height of buildings or structures is consistent with the desired character and amenity of the FDA Scheme Area	MS3	The building height or structure does not exceed the maximum number of storeys indicated in <b>Map 3 – Building Storeys</b> ,
Residential Density			
SO4	Residential development is of a density consistent with the character intended for the FDA Scheme Area and provides for a high level of residential amenity	MS4	The maximum dwelling unit numbers for residential development (other than Dwelling Houses) within a Precinct must not exceed that identified in <b>Map 4 – Maximum No of Dwelling</b>
Open Space			
SO5	Development provides efficient public open space, pedestrian/bicycle pathway and access to the Marina.	MS5	Pedestrian, bicycle and public open space to achieve the intent of public access routes identified in <b>Map 5 – Public Space and Access</b> must be provided
Car parking			
SO6	Adequate parking must be provided for any use	MS6	Parking spaces must be provided for the Uses identified in Column 1 of Table 8 in accordance with the requirements for that use set out in Column 2 of Table 8
Lot Size			
SO7	Lot sizes and dimensions are consistent with the desired character of the Sector in which the lot is located and with the environmental qualities of the site, and enable the provision of adequate: <ul style="list-style-type: none"><li>• Open space and buffering;</li><li>• Ventilation and sunlight;</li><li>• Privacy;</li><li>• Car park and access;</li><li>• Infrastructure services; and</li><li>• Other relevant on-site requirements</li></ul>	MS7	Minimum Lot sizes and dimensions for each Precinct identified in Column 1 of Table 9 must be provided in accordance with Column 2 of Table 9

SPECIFIC OUTCOMES		MANDATORY SOLUTIONS	
Setbacks			
SO8	The scale, bulk and location of a building on a site does not adversely impact on streetscape amenity	MS8	The setbacks of buildings from street frontages and boundaries is consistent with Column 3, Table 9.
Safe Room			
SO9	Residents are afforded a refuge from a disaster within each dwelling	MS9	A safe room is provided in each dwelling house or multiple dwelling unit of not less than 3m <sup>2</sup> in floor area which has reinforced concrete walls, floor and ceiling, no windows and a solid door.
Acid Sulphate Soils			
SO10	All lots created in the development must be free of acid sulphate soils.	MS10	Prior to Council Approval of a survey plan for registration, the soils must be certified by an appropriately qualified scientist to be free of acid sulphate soils.
Sustainable Development			
SO11	All development is to embrace Ecological Sustainable Development Principles.	MS11	Development must in addition to satisfying the requirements of the Queensland Building Code, demonstrate compliance with the Sustainable Development Plan agreed with Council from time to time.

**TABLE 8: CARPARKING REQUIREMENTS**

COLUMN 1	COLUMN 2
Use	Minimum Car parking Requirements
Catering Shop, or Shop where ancillary to any Entertainment Centre use	Nil
Dwelling House	2 spaces, which may be provided in tandem, 1 of which is to be covered
Display Home	2 spaces, which may be provided in tandem, 1 of which is to be covered
Entertainment Centre	Sufficient space to accommodate the amount of vehicle traffic likely to be generated by the particular use
Multiple Dwelling	<p>(a) 1 and 2 bedroom units: 1 covered space per Dwelling Unit and 1 visitor car space for every 2 Dwelling Units</p> <p>(b) 3 and over bedroom units: 2 covered space per Dwelling Unit and 1 visitor car space for every 2 Dwelling Units</p> <p>(c) <b>AND</b> a dedicated car washing bay (additional to visitor and tenant parking spaces) for each multiple dwelling development</p>
Marina Facilities	1 carpark for each four (4) Marina Berths

**TABLE 9: LOT SIZES AND SETBACKS**

COLUMN 1	COLUMN 2	COLUMN 3
Sector	Minimum Lot Size	Setbacks
<b>Traditional Residential Precinct</b>	400 sqm	<p><b>Front Boundary</b> (to road/access point) 6 metres from edge of common property access road curb</p> <p><b>Rear Boundary</b> (to waterfront) 6 metres from edge of revetment wall to any part of a building excluding detached pergolas and shade structures, decks, berth landings, pools and other landscape elements.</p> <p><b>Side Boundary</b></p> <ul style="list-style-type: none"> <li>Unless identified as a zero boundary on Map 6::               <ul style="list-style-type: none"> <li>(a) 1.5 metres if the building is 4.5 metres high or less; or</li> <li>(b) 2.0 metres if the building is greater than 4.5 metres high and does not exceed 7.5 metres in height; or</li> <li>(c) 2.0 metres plus 0.5 metres for every 3.0 metres or part thereof by which the building height exceeds 7.5 metres.</li> </ul> </li> </ul> <p>On a zero boundary as shown on Map 6; Nil.</p>
<b>Multiple Dwelling Precinct</b>	1,000 sqm	<p><b>Front Setbacks (to road/access point – not towards waterfront):</b> 6 metres from edge of common property.</p> <p><b>Side Boundary</b></p> <ul style="list-style-type: none"> <li>(a) Buildings are setback a minimum of 2 metres unless the boundary is contiguous to another multiple dwelling lot where 5m is required.</li> <li>(b) Where there is more than one building on the same lot the separation distance between buildings is 10m.</li> <li>(c) If a detached dwelling, the same as in the Traditional Residential Precinct.</li> </ul> <p><b>Rear Boundary (to waterfront)</b></p> <ul style="list-style-type: none"> <li>(a) Ground to 2nd storey: 2 metres.</li> <li>(b) 3rd storey and above: 4 metres.</li> </ul> <p>From edge of common property.</p>



## PART D – FDA PORT PROTECTION CODE

Note: the below reflects the current specific outcomes of the Port Protection Code for the SCL Land, this Code will be subject to change through the detailed assessment being undertaken for the EIS and with the agreement of the TPA

### 1. Air and Noise

SPECIFIC OUTCOMES	PROBABLE SOLUTIONS
<p><b>SO1</b> Openings in the buildings are located, designed and constructed to maximise residential comfort and safety and assist in the reduction of adverse noise impacts as a result of port operations.</p>	<p><b>PS1.1</b> All external doors, excluding garage doors, are to be provided with seals and timber doors are solid core 40mm thick.</p> <p><b>AND</b></p> <p><b>PS1.2</b> The aggregate area of windows and glass doorways on each building façade with direct sight lines to the operations of the Port of Townsville does not exceed 40% of the total area of that façade unless PS1.3 is complied with..</p> <p><b>AND</b></p> <p><b>PS1.3</b> If the aggregate area of windows and glass doorways on a building façade with direct sight lines to the operations of the Port of Townsville exceeds 40% of the total area of that façade, all windows and glass doors of that façade shall be of acoustic quality.</p> <p><b>AND</b></p> <p><b>PS1.4</b> Notwithstanding PS1.2, all bedroom windows on each building façade with direct sight lines to the operations of the Port of Townsville shall be of acoustic quality.</p> <p><b>AND</b></p> <p><b>PS1.5</b> Ventilation openings located on exposed walls and eaves facing the Port of Townsville that lead directly into living areas are to be acoustically treated.</p> <p>Note for the purposes of PS1.1 to PS1.5, where noise sensitive uses as defined in the Environmental Protection (Noise) Policy 1997 are proposed, architectural treatments of building elements are required to meet indoor design level noise criteria to achieve :</p> <ul style="list-style-type: none"> <li>a) Average L<sub>max</sub> (10.00pm to 6:00am) not greater than 50dB(A); and</li> <li>b) 35LA<sub>eq</sub>.</li> </ul>



SPECIFIC OUTCOMES	PROBABLE SOLUTIONS
<p><b>SO2</b> Appropriate construction materials for buildings assist in the mitigation of adverse noise intrusion.</p>	<p><b>PS2.1</b> All development incorporates the following minimum standards of construction:</p> <ul style="list-style-type: none"> <li>• Cavity masonry or concrete construction for external walls of buildings; or</li> <li>• Fibre insulation such as fibreglass or polyester bats are inserted in external walls</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>• Fibre insulation such as fibreglass or polyester bats are inserted in all roof cavities</li> </ul> <p>Note for the purposes of PS2.1 to PS2.2 where noise sensitive uses as defined in the Environmental Protection (Noise) Policy 1997 are proposed, architectural treatments of building elements are required to meet indoor design level noise criteria to achieve :</p> <ul style="list-style-type: none"> <li>a) Average L<sub>max</sub> (10.00pm to 6:00am) not greater than 50dB(A); and</li> <li>b) 35LA<sub>eq</sub>.</li> </ul>
<p><b>SO3</b> Air conditioning units are provided for all habitable buildings and workplaces, other than ancillary or minor developments or construction sites, so as to maximise comfort and mitigate any adverse noise, dust or odours from the Port operations.</p>	<p><b>PS3.1</b> Air conditioning units are provided for all habitable buildings and workplaces, other than ancillary or minor developments or construction sites.</p> <p><b>AND</b></p> <p><b>PS3.2</b> All air conditioning units are reverse cycle systems and comply with any relevant Australian standard with respect to fresh air under the Building Code of Australia.</p>
<p><b>SO4</b> Exposure to dust from the operations of the Port of Townsville is minimised through the use of buffers or other measures which are demonstrated to be reasonably appropriate.</p>	<p><b>PS4.2</b> All external doors, excluding garage doors, are provided with seals.</p>

## 2. Light

SPECIFIC OUTCOMES	PROBABLE SOLUTIONS
<b>SO5</b> Adverse light impacts associated with the Port of Townsville operations are minimized through design measures which are demonstrated to be effective.	<b>PS5.1</b> All windows and glass doors with direct sight lines to the operations of the Port of Townsville and Townsville Ocean Terminal must have a an internal or external means of screening it such that 100% of sight lines are able to be obscured.
<b>SO6</b> The location of lighting for the development ensures that illumination does not conflict with Port operations.	<b>PS6.1</b> Lighting is designed to minimise "light spill" into navigational routes and ship berths and complies with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

## 3. Private Open Space

SPECIFIC OUTCOMES	PROBABLE SOLUTIONS
<b>SO7</b> Above ground outdoor areas are not subject to unacceptable levels of noise, light, dust or odour from Port of Townsville operations..	<b>PS7.1</b> Balconies larger than 3 square metres are located only on the marina frontage.
<b>SO8</b> Ground level outdoor areas are not subject to unacceptable levels of noise, light or air pollution.	<p><b>PS8.1</b> All development must have a screen between its northern boundary and the adjacent car parking area and between its eastern boundary and Sir Leslie Thiess Drive meeting the following:</p> <ul style="list-style-type: none"> <li>A Fence constructed of solid materials such as overlapped timber palings, brick or blockwork with a height of 1.8 metres. Fences exceeding 10m in length will include articulation every 3 metres or detailing for visual interest, or</li> <li>A landscaped strip of at least 2m in width. Minimum planting density is one plant per square metre with a ratio of one large shrub/ small tree to eight understorey shrubs. Trees are to have a mature height of 4 metres.</li> </ul>

## PART E CONDITIONS

Note: The below conditions are part of the proposed Port Protection measures and may not be reflected in the final FDA Scheme subject to commercial agreement with the TPA.

### 12 CONDITIONS

12.1 This Preliminary approval is subject to the following conditions:

12.1.1 All lots created within the FDA Scheme Area must be community titled lots under the *Body Corporate and Community Management Act 1997* and the *Land Title Act 1994*, except:

- a) Any area the subject of a lease, permit or licence under the *Land Act 1994* or which otherwise comprises State land;
- b) The Entertainment Centre Precinct;
- c) Any area under or part of which is under the high water mark, dedicated as road, Parkland or reserve for public use, benefit or utility or any area owned by the provider of utility services; or
- d) The Townsville Ocean Terminal Precinct or any other area comprised of land vested in the State or Council in the Townsville Port Authority by Deed of grant in trust; or .

12.2 In any impact assessable development application for a Site an applicant must provide evidence of satisfaction of the FDA Port Protection Code solutions or support alternative solutions to achieve the FDA Scheme Port Protection Code outcomes by an Amenity Report prepared to the satisfaction of the State which applies to that Site; or

12.3 The community management statement for the scheme containing the lots comprised in the Site or the principal scheme, where the Site is or is proposed to comprise scheme land for a subsidiary community titles scheme must, when endorsed by the local government,

12.3.1 Incorporate the FDA Scheme Port Protection Code (regardless of any other architectural or landscape Code) for the Site; and

12.3.2 Contain provisions that notify members that an impact assessable application pursuant to this FDA Scheme and IPA are required for any development that does not satisfy the FDA Scheme Port Protection Code.

12.4 The FDA Scheme was prepared following the preparation of an Environmental Impact Statement (EIS) under Part 4 – Environmental Coordination of the *State Development and Public Works Organisation Act 1971* and the assessment manager shall in the assessment and determination of any development applications not depart from the recommendations of the Coordinator General's report on the EIS.

### 13    **MAPS**

Map 1: FDA Scheme Area

Map 2: Use Precincts

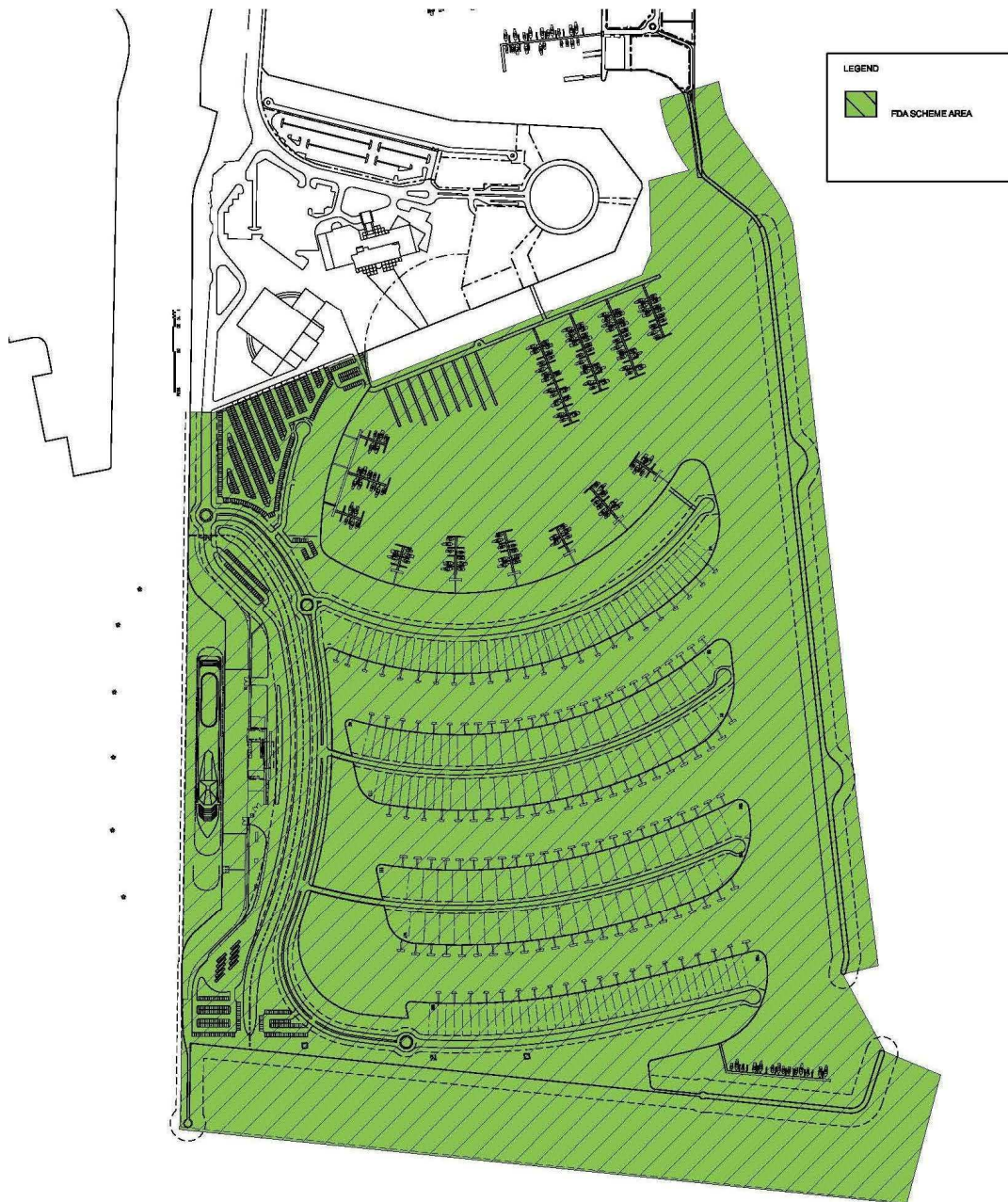
Map 3: Building Storeys

Map 4: Maximum Dwelling Units

Map 5: Public Space and Access

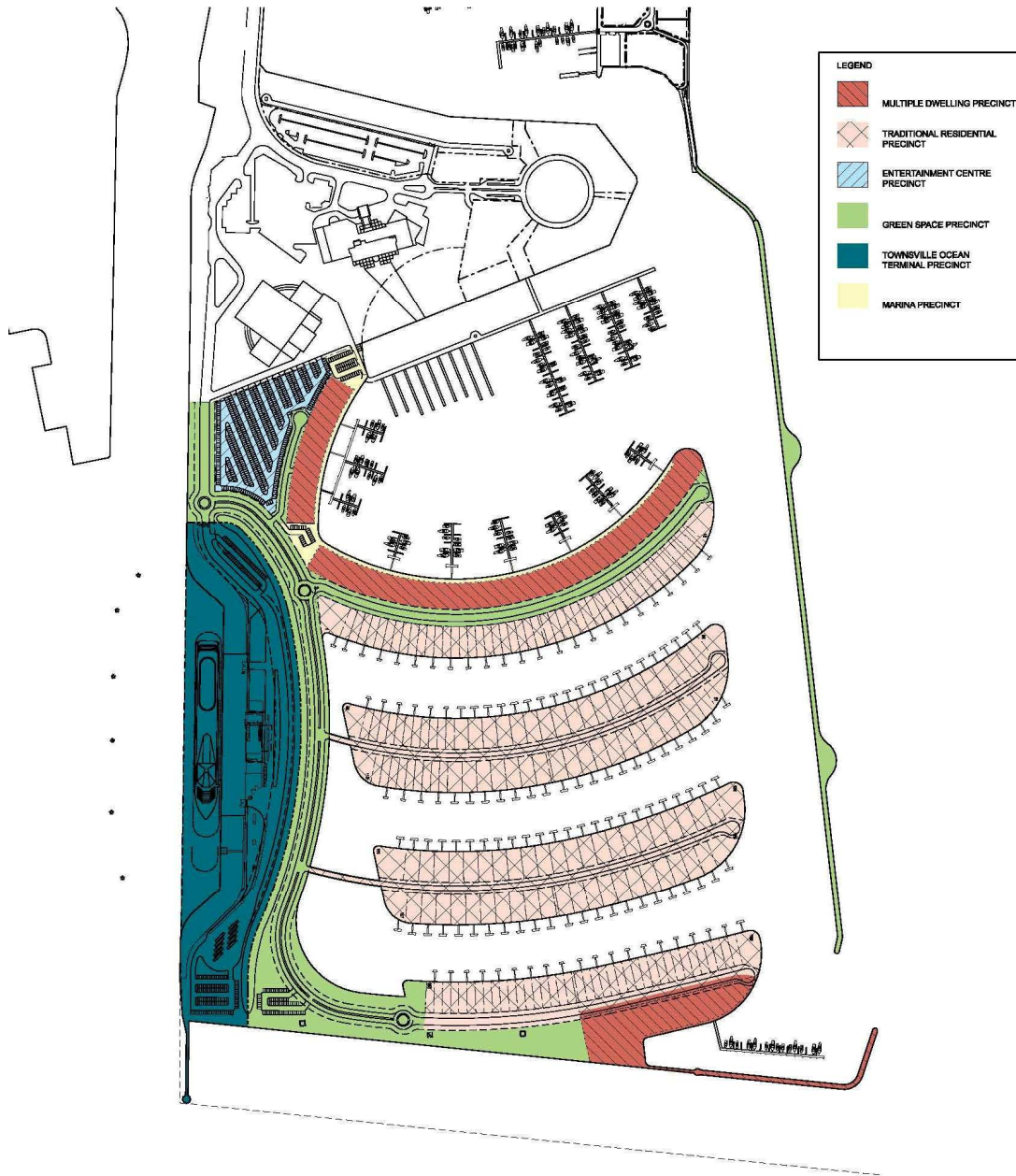
Map 6: Reconfiguration Concept Plan

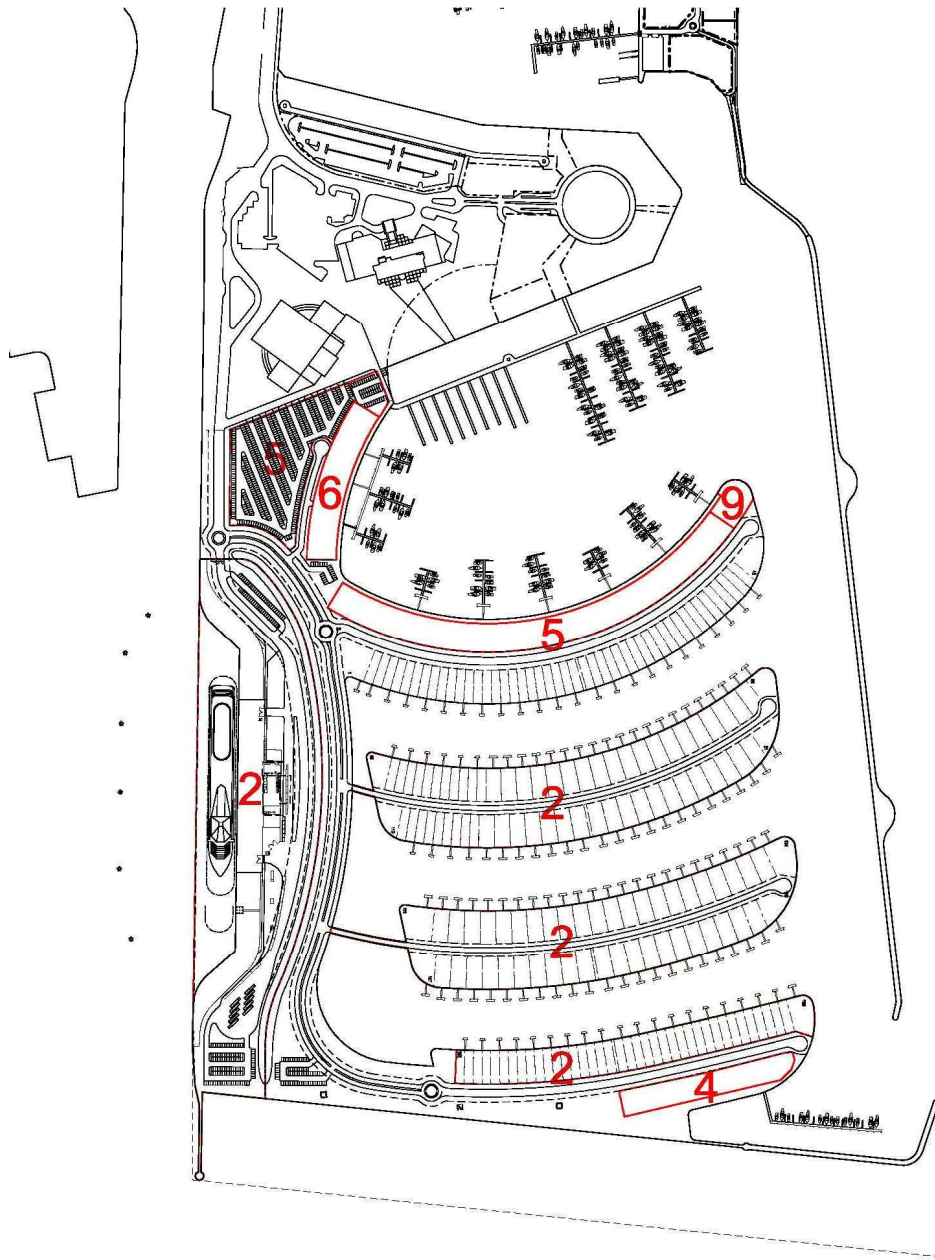
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	<b>MAP 1: FDA SCHEME AREA</b>		PROJECT No.	300206		<small>The Bureau Group 2007. Copyright in this document is held by the Bureau Group. All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without prior written permission from the Bureau Group.</small>
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			DATE	AUGUST 2007		
			DRAWING No.	ASDC 480		





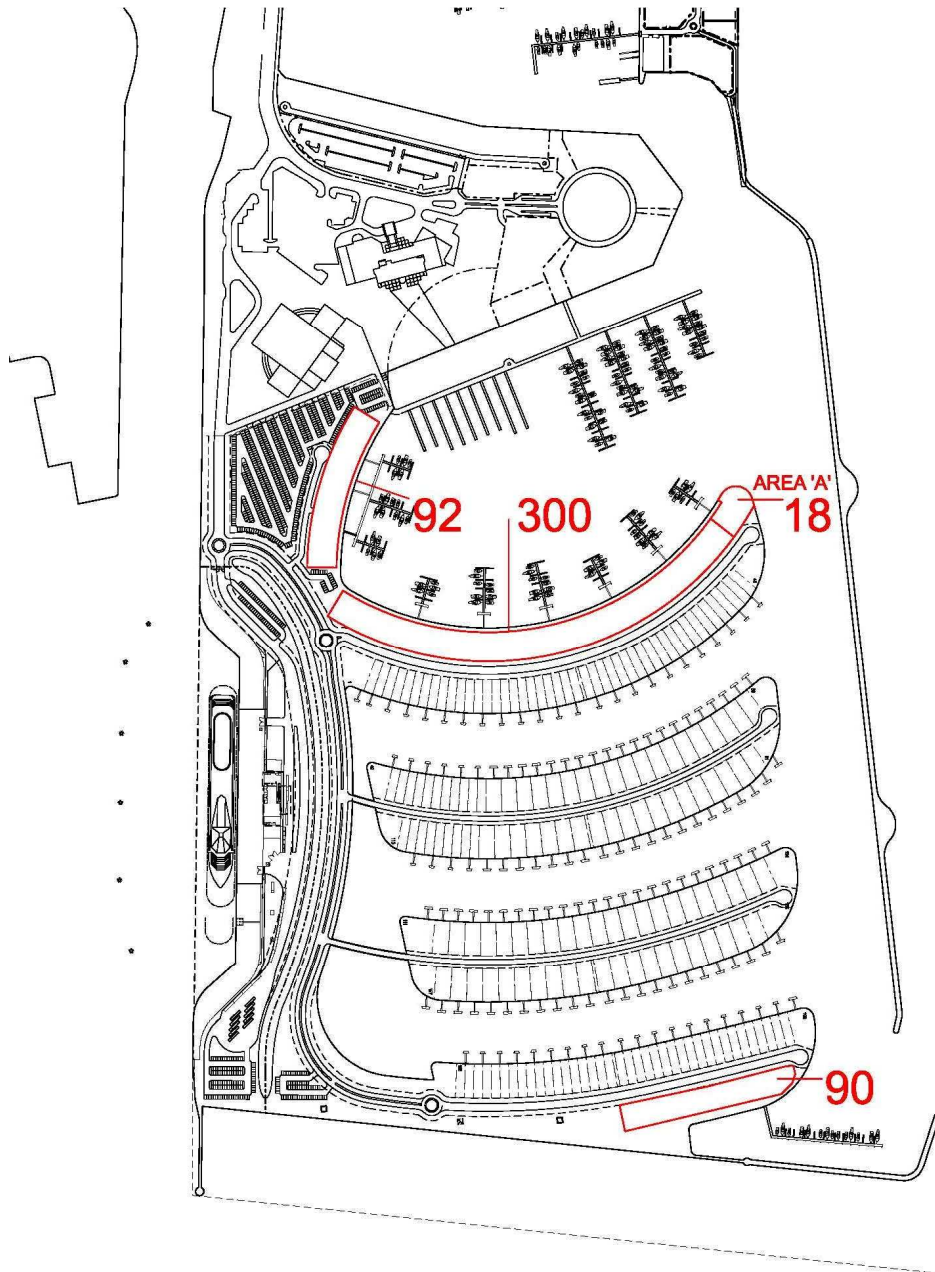


**MAP 3: BUILDING STOREYS**

PROJECT No. 300536  
SCALE N.T.S.  
DATE AUGUST 2007  
DRAWING No. ASK 482

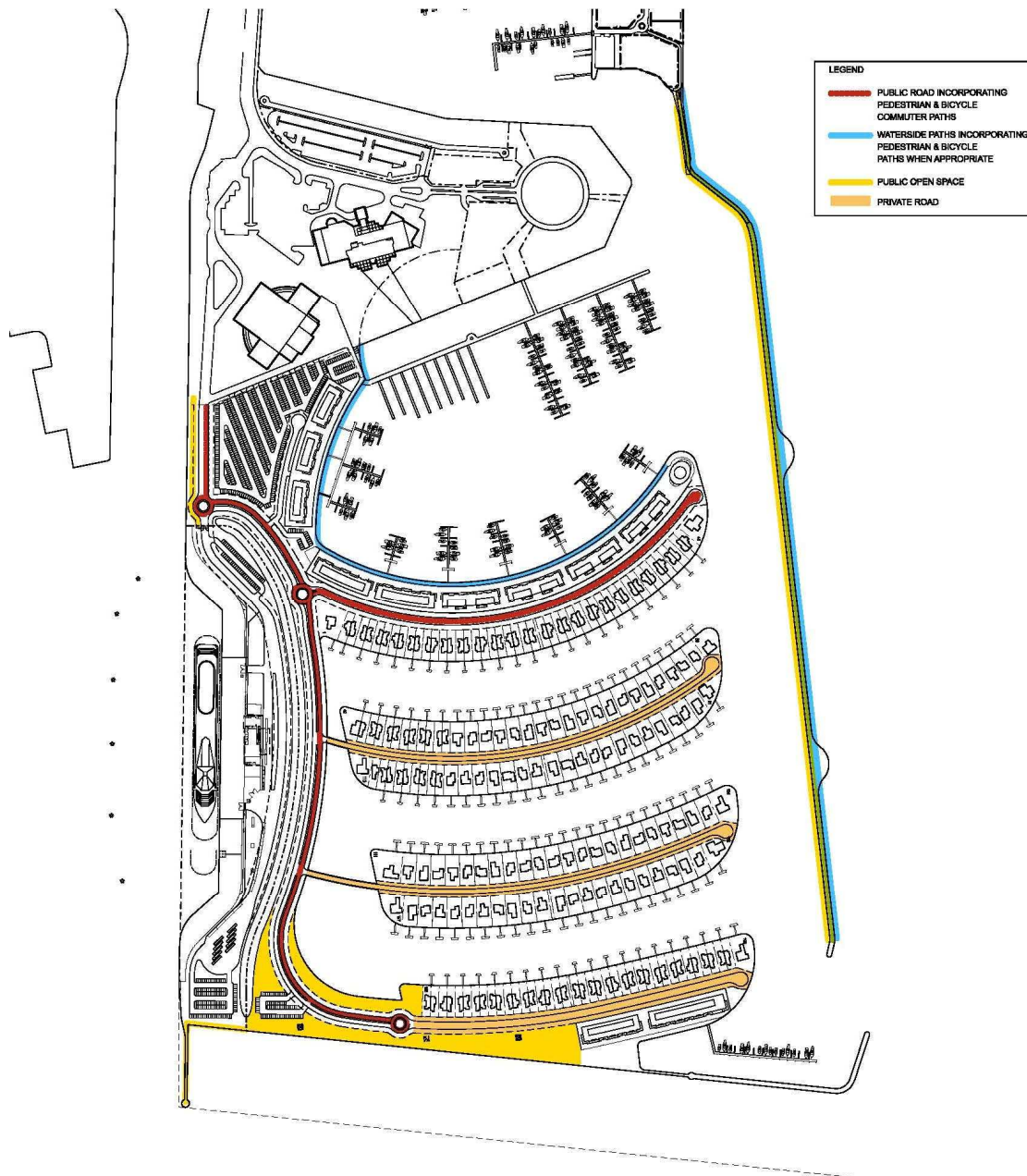
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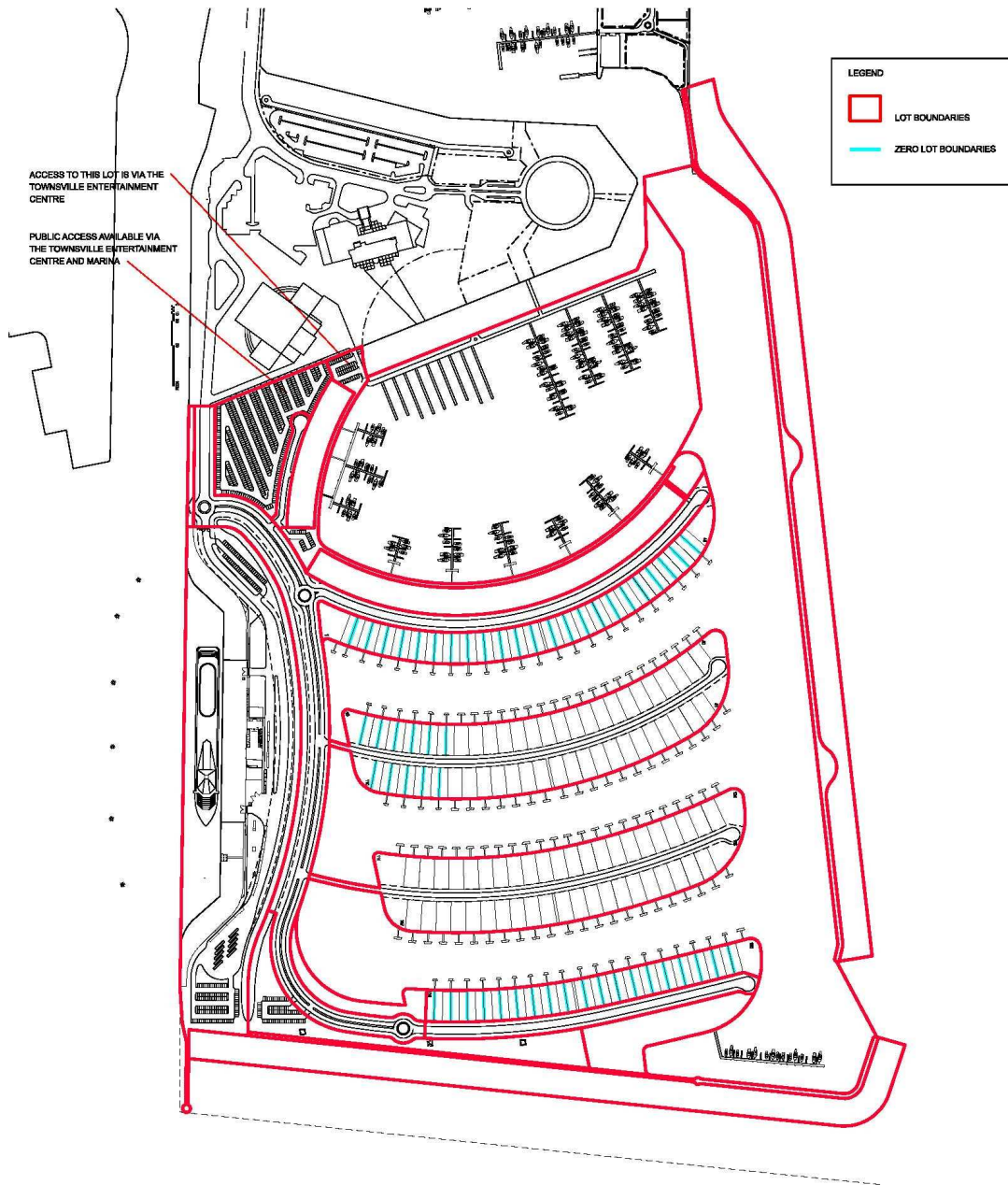


	<b>MAP 4: MAXIMUM No OF DWELLING UNITS</b>		PROJECT No.	300206	
			SCALE	N.T.S.	
			DATE	AUGUST 2007	
			DRAWING No.	ASC 463	
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	<b>MAP 5: PUBLIC SPACE AND ACCESS</b>		PROJECT No.	300206	
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	<b>MAP 6: RECONFIGURATION CONCEPT PLAN</b>		PROJECT No.	508596	
			SCALE	N.T.S.	
			DATE	AUGUST 2007	
			DRAWING No.	ASR 485-A	

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