

PLANNING AND DEVELOPMENT



Date >> 13 May 2014

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Dear Sir / Madam

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SUBJECT >> Draft City Plan Submission Response

Thank you for providing a submission in relation to the Draft City Plan.

Your submission was carefully considered and the feedback received informed the development of the Draft City Plan. Please find below a summary of the issues outlined in your submission and council's response.

In your submission you raise that you support multiple statements in the scheme including Magnetic Island and the beach communities are not anticipated to experience major growth over the coming twenty five years and allowing the unique character and environmental values to continue being protected. This intent and the statements which support this intent have not been changed in the Draft City Plan.

In your submission you raise various matters regarding environment and natural assets of Magnetic Island. In particular you raised that the Draft City Plan should more clearly and accurately refer to the world heritage values associated with Magnetic Island.

Townsville is a biodiversity hotspot in Queensland; comparable to Gold Coast Hinterland and Wet Tropics areas and lies at the 'junction' of three Bioregions: Brigalow Belt, Wet Tropics and Einasleigh Uplands. Our unique topography, rainfall regimes, soils and geological features underpins this diversity in ecosystems, habitats, and flora and fauna. The Draft City Plan strives to identify and better protect areas of environmental and ecological significance and the ecosystems functions performed by areas of significance, and our biodiversity values unique to the region. Broadly, the Draft City Plan seeks to mitigate the impact of development on our environment and is considered essential for maintaining the Townsville lifestyle we all love.

The environmental importance ratings depicted on the Natural assets overlay map identifies the likely significance of the natural environment and the likely extent of environment protection required to maintain habitat, species, vegetation communities, strategic habitat units, ecological processes, ecosystem services and hydrological function. Each of the three categories (Medium, High and Very high) is based on a variety of environmental and ecological components. The components associated

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with each category are listed in the Natural assets planning scheme policy Table SC6.9.2.2.1.1—Environmental importance categories and components.

Environmental infrastructure is the basic framework or underlying foundation of the natural environment that contains the myriad of life support systems for all forms of life. Environmental infrastructure (and functions) includes:

1. waterways/drainage systems (water drainage, water storage, seed transport, nutrient relocation, soil formation, sediment redistribution, habitat, connectivity, aquifer recharge, recreation, base flow, food source, biodiversity);
2. wetlands (water filtering, water storage and aquifer recharge, habitat, seasonally high productivity, food source, biodiversity);
3. riparian vegetation (shading, nutrients, ground cover; bank stabilisation, erosion prevention, water filtering; shelter/refuge, habitat, connectivity, recreation, food source, buffering, biodiversity);
4. coastal dune systems (first line storm protection, buffering, water filtering, recreation, habitat, biodiversity);
5. extensive forest in mid and upper catchments slopes >15% (erosion prevention, soil and slope stabilisation, soil formation, habitat, recreation, food source, aquifer recharge/intake, biodiversity, climate stabilisation);
6. corridors and connections (wildlife movement, seed and vegetation dispersal, habitat, shade, shelter/refuge, food source, buffering, recreation, biodiversity);
7. habitat/sustainable living space (biodiversity, connectivity, buffering, food source, recreation);
8. native vegetation (biodiversity, habitat, wildlife movement, buffering, seed and vegetation dispersal, food source, recreation, soil health, shade, shelter/refuge, fuel, timber, erosion prevention);
9. floodplains (habitat, biodiversity, nutrient and sediment dispersal, food source);
10. aquifers (water storage, sub surface connectivity, hydraulic pressure); and
11. protected areas (National Parks, Conservation Parks, Forest Reserves, Fish Habitat Areas and other socially delineated conservation areas).

It should not be assumed that any area not mapped have no environmental values. Areas not included in the overlay map (depicted without an infrastructure rating) generally consist of areas that have significantly less environmental value due to the level of disturbance resulting from anthropogenic activities, including clearing of native vegetation and the construction of infrastructure and other built features. The environmental values of some of these areas could be reinstated; however, for the most part, they are considered to be 'beyond repair' in the short to medium term. There will be areas and features of value in these other areas which have not been captured by the broad scale mapping (regional ecosystem based).

The mapping has been produced for the local context. The natural assets mapping includes the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC) values of Magnetic Island. At the time of releasing the Draft City Plan for public notification, council's natural asset mapping voluntarily reflected commonwealth protected matters. This was over and above any legal requirements for the scheme to include. However, council position was that commonwealth matters

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were important to consider and should be reflected. The world heritage values associated with Magnetic Island are represented by the Strategic framework and supporting mapping and these areas have been appropriately zoned within the Environmental management and conservation zone.

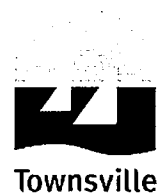
Additionally, it is not possible to separate out the legally required state mapping from the commonwealth mapping as for the most part, they are linked. For example, a particular Regional ecosystem (state requirement) will be the supporting habitat unit for the black throated finch (federal matter). Therefore, where it was possible and practical for the scheme to do so, federal matters were mapped.

In your submission you also raise that the information regarding the world heritage values associated with Magnetic Island is not clear in the being in Schedule 2. In response to this the following information is provided. As noted, the protection of the world heritage values of Magnetic Island are represented in Schedule 2 - Strategic framework maps. These maps represent and support the Draft City Plan Strategic framework (Part 3). The Strategic framework is the highest and strongest part of the Draft City Plan. It sets out the strategic policy for the entire planning scheme which all codes and other policy must reflect. In particular, the world heritage values of Magnetic Island are specifically referenced in the Strategic framework in the Strategic intent – Environmentally sustainable future. The Strategic framework is delivered by the codes and policies of the Draft City Plan. Applicants addressing the natural assets overlay code will need to demonstrate compliance against the provisions of that code. If this is achieved, they will also be achieving the purpose of the Strategic framework. It is considered that the world heritage values of Magnetic Island are appropriately recognised and protected by the Strategic framework of the Draft City Plan. The structure of where this information is located is in accordance with the requirements of the Queensland Planning Provisions which all Queensland planning schemes must adhere to.

Your submission also raised that matters of national environmental significance (MNES) likely to occur on Magnetic Island are not clear. At the time of releasing the Draft City Plan for public consultation, council's natural asset mapping voluntarily reflected commonwealth protected matters. This was not a legal requirement to do so. However, council's position is that commonwealth matters were important to consider and should be reflected where possible. Furthermore, it is not possible to separate the legally required state mapping from the commonwealth mapping; they are highly interlinked. For example, a particular Regional ecosystem (state legislation requirement) will be the supporting habitat unit for the black throated finch (federal legislation matter). Therefore, where it was possible and practical for the scheme to do so MNES were mapped. It should also be noted that the Draft City Plan does not override the requirements of the EPBC. Development may also be required to be referred to the federal government to obtain approval under the EPBC. Conditions or a refusal issued due to EPBC referral override the Draft City Plan. The Draft City Plan therefore supports these matters and MNES also remain protected under the EPBC.

In your submission you raise that funding should be allocated to complete the proposed ecological/environmental assessment as a priority, with improved mapping to a high scale. In the Draft City Plan, the natural assets mapping is required to function as a trigger map. This does not require that every potential asset over a site is identified rather that it is acknowledged that there are assets on the site and that further investigation of the site would be required in response to any

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development application. When a site is mapped as having natural assets this requires all code and impact assessable material change of use applications to be assessed against the Natural assets overlay code and associated policies. Some operational works will also be triggered for certain clearing activities. To comply with the requirements of the Natural assets overlay code, in most cases, applicants will need to undertake a site based ecological assessment. Through this process, this will not only ground truth site specific mapping, it will also confirm what measures need to be implemented to protect, enhance and mitigate the impacts on the natural assets.

In support of natural assets on Magnetic Island, the zoning of Magnetic Island will mean that there is little change anticipated and urban areas have not been expanded beyond their current extent. Council has used zoning as a first measure of protection. If assessable development does occur on land mapped as having natural assets, as noted above, it will be required to address the natural assets overlay code. Many zone codes also have provisions that require applicants to address natural assets values. This has been used in the zone code to provide extra protection in the instances that natural assets are present on the site but have not been mapped by the Natural assets overlay.

It should also be noted that the mapping does not remove any requirements of other state and/or federal legislative requirements. Applicants will still need to comply with these other requirements over and above the Draft City Plan (e.g. *Vegetation Management Act 1999*). It is not the role of the Draft City Plan to duplicate state or federal processes, but to strive to create a local context for natural asset protection. It is important to highlight that the natural assets overlay map is a significant improvement over the existing Townsville City Plan 2005 (TCP 2005) mapping and will afford substantially higher levels of protection.

In summary, council is aware that over time, there will always be better information available. Council is therefore committed to improving the mapping over time. The Natural assets overlay will be taken through annual review and mapping updates will be made to improve the background data and to reflect land use pattern changes. The best available information sources have been used in producing the Natural assets overlay mapping. Council acknowledges that mapping may always be more accurate; however, for the purposes of the Draft City Plan, the mapping will serve its purpose of protecting, enhancing and restoring natural assets of Townsville.

In your submission you raise that the Draft City Plan should be amended to revise the land use strategies in 3.5.2.2 to allow for the occurrence of areas of significance and priority habitat outside of the protected area estate and in the urban lowland areas. In response to this the following information is provided. The statements in section 3.5.2.2 are broad statements giving insight into the Draft City Plan key strategies to protecting natural assets. These statements do not indicate that the only protected areas are those protected by estates and included in the Environment and conservation zone. This statement is providing guidance that our protected areas are recognised in the Environmental management and conservation zone; however this has not excluded other land from being protected by the Natural assets overlay. These statements recognise that areas outside of the Environmental management and conservation zone may still be protected and may be mapped by the Natural assets overlay where values are present. The land use strategies do not prevent land outside of the protected areas from also being protected by other scheme mechanisms. Where appropriate, significant natural assets present in the lowland areas have been incorporated in the Natural assets

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overlay mapping. Further, as noted above, the zone code provisions also provide protection for areas where natural assets are present, but not mapped in the Natural assets overlay.

In your submission you raised that you supported by Priority infrastructure plan assumptions around population projections. These assumptions support the conclusion that substantial changes to the function, scale and character of the listed small townships is not anticipated. The growth assumption around these small townships remains in the Draft City Plan.

In your submission you raise that council should complete comparable flood studies to the Horseshoe Bay Flood Study for other bays. In response to this council provides the following information. Flood mapping within Picnic Bay, Nelly Bay and Arcadia has been based on flood modelling studies from the 2005 Townsville Regional Flood Hazard Assessment Study. These technical flood modelling studies are still considered suitable analysis for the purpose of the flood overlay mapping within these bays. Council will look to update the flood modelling studies for Picnic Bay, Nelly Bay and Arcadia to use similar techniques to those of the Horseshoe Bay Flood Study after the adoption of the Draft City Plan as part of the ongoing amendment process.

In your submission you noted that the Draft City Plan should be amended to include reference to the conclusion of the Water Quality Objectives for Townsville Region Waters policy 2009. In response to this council advises that this is included in the Draft City Plan's Healthy waters code. The purpose of the code is to ensure development manages stormwater and wastewater as part of the integrated total water cycle and in ways that help protect the environmental values specified in the Environmental Protection (Water) Policy 2009 (EPP Policy). The schedules of the EPP Water Policy adopt the environmental and water quality objectives for particular waters include in the Townsville Region. The Draft City Plan Healthy water code identifies various outcomes to be achieved to comply with the codes and policies. In particular the Healthy Waters Code includes provisions which note that development contributes to the protection of environmental values and water quality objectives. To meet the requirements of the Healthy Waters Code applicants must provide information which demonstrates how the objectives of the code are met. It is noted in the Draft City Plan that the environmental values and water quality objectives are established under the Environmental Protection (Water) Policy (2009). Within the policy a list of environmental values is provided which includes the protection of cultural and spiritual values, including traditional owner values of water. Therefore as noted in your submission the Draft City Plan has been drafted to meet the requirements of the EPP policy including the environmental and water quality objectives set by the policy.

In your submission you raised that the Draft City Plan should include mapping of stormwater flooding noting that this is an issue in various locations in all bays and particularly in Horseshoe Bay, for example Apjohn Street. In response to this matter council provides the following information. The flood overlay mapping generally contains inundation extents resulting from both river flooding and local catchment rainfall driven flooding. The flood overlay mapping only makes distinction of the severity of inundation in terms of probability, depth of inundation and flow velocity. The high flood hazard areas are those inundated by a 1 % Annual Exceedence Probability (AEP) event with depths over 600mm or flow velocities greater than 0.8m/s. The medium hazard areas are those inundated by a 1% AEP event with depths under 600mm or flow velocities under 0.8m/s. The low flood hazard areas are those potentially inundated beyond the extent of the 1% AEP flood event in rarer flood events up to the

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probable maximum flood event.

In your submission you raised questions regarding threatened species and endangered habitats. Firstly you raised that the Draft City Plan should be simplified so that it is clear to applicant what state and federal legislation will apply in regard to the significant species and ecological communities.

In response to this, local government planning schemes may only operate within the regulatory framework prescribed and within the local government jurisdiction. The Draft City Plan may not duplicate matters in other legislation, in particular as it may lead to conflict with higher instruments, being state and federal level legislation. There are legislative requirements on applicants to seek and undertake works to obtain other permits and while council can note some of these, it is not how the other legislative frameworks operate. That is, legislation is designed so that the onus is on the applicant/developer to identify all applicable legislation. There are some editor's notes in the natural assets overlay code to direct applicants to other sources of legislation as a reminder, but not as a directive. Further, council also notes that the EPBC does not have any legislative linkages to local government. The natural assets mapping does contain data that is used by state and federal bodies to regulate development, including some protected species habitat (Mahogany glider for example), but this does not diminish any requirement from the legislative requirements for additional permits from the state and federal government.

You also raised that endangered habits for threatened species which occur in the lowlands/urban areas should be conserved. The natural assets overlay code provides that in areas identified as having high or very high environmental importance, significant values are protected and their associated ecological functions and biophysical processes are maintained to ensure long term viability. In addition to this requirement, the code also requires buffers to be established around known threatened species. Combined, threatened species for the purpose of the Draft City Plan are well protected. The natural assets overlay code also directs applicants to the requirements of the *Nature Conservation Act 1999* and the EPBC which will have additional requirements that applicants will need to meet. As such, council believes that the Natural assets overlay code provides a stronger stance than the suggested use of the term 'conserved'.

In your submission you raised that the Draft City Plan should specify that the assessment of development proposal should first take into account the world heritage values of Magnetic Island. As is noted earlier, the Strategic framework establishes the policy position of council that world heritage values are important and are to be protected. This is further reflected in the natural assets overlay code and requires applicants to consider these values in a holistic manner. The natural asset overlay code takes a more holistic approach to the protection of the environment. While not discounting the importance of world heritage values and noting that the scheme does not duplicate federal legislation, applicants will need to balance their ecological assessments accordingly. The reporting requirement for those assessments is outlined in the Natural assets planning scheme policy. It is based on best practice industry standards and ensures that all values of the site are reported and considered. Accordingly there are sufficient requirements in the Draft City Plan for development to consider the world heritage values of Magnetic Island.

Your submission raised that access to the zone maps for Magnetic Island should be simplified so

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these are not spread across four separate sections of the Draft City Plan. In response to this matter, the structure of the Draft City Plan is in accordance with the state government requirements (Queensland Planning Policy). This is a mandatory requirement, therefore the structure of the scheme and the placement of mapping must follow this policy. Accordingly there have been no changes to the Draft City Plan in relation to this matter.

In your submission you raise various questions about the villages of Magnetic Island including indicative development sites and proposed zoning changes. Each matter raised is addressed below.

In your submission you requested clarification of the zoning at ZM-11 Horseshoe Bay - three areas of land on the west side of Swenson St and the land abutting Horseshoe Bay Drive zoned "rural residential", and request advice to whether the zoning is intended to allow for further development.

This subject land is currently included in the Rural Residential Precinct of the TCP 2005. This zoning has been carried forward in the Draft City Plan with the land included in the equivalent zone being the Rural residential zone. The purpose of the Rural residential zone code is to provide for residential development on large lots where local government infrastructure and services may not be provided and where the intensity of residential development is generally dispersed. The intent of this land has not been changed by the Draft City Plan and the development potential of this land has not been increased by the Draft City Plan.

In your submission you requested that there should be a review the 'character residential' zoning on the beach side of Pacific Drive given the experience of TC Yasi in February 2011 which showed these locations have a high risk of flooding, making this another site where assessment is an essential prerequisite to any land use. In response to this, council assumes that you are referring to the land included in the Medium density residential zone as there are no areas included in the Character residential zone in the location as described. In areas affected by flooding or storm tide the Draft City Plan has not up-zoned the land or created opportunity for increased levels of development. This land is currently included in the Mixed Residential Precinct of the TCP 2005 (up to three storeys). The Draft City Plan now includes this in the Medium density residential zone and the Magnetic Island medium density precinct (up to two storeys). This zoning means that the development potential has not been increased.

The Draft City Plan overlay mapping also identifies that the subject land at Pacific Drive is affected by high, medium and low flood hazard and on some lots is affected by medium and high storm tide inundation. When properties are mapped in the flood or storm tide inundation hazard areas, development will be required to meet the Flood hazard overlay code and Coastal protection overlay code. The development must therefore demonstrate compliance with these codes to be approved, which may require special design requirement to ensure the risk to people and property from hazards has been appropriately mitigated.

It is requested in your submission that council should amend the Draft City Plan description of the Picnic Bay precinct to more correctly describe the predominantly low key residential role of Picnic Bay. In response to this it is advised that the Draft City Plan does recognise Picnic Bay as a predominantly residential area as noted in the Strategic framework: Picnic Bay – will continue to predominantly serve as a residential area, with access to the small-scale neighbourhood centre uses and an improved entry to the village.

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The Picnic Bay precinct is a limited number of lots (11-19 the Esplanade, Picnic Bay) contained within the Medium density residential zone. Family oriented short-term accommodation is the predominant use established within the precinct with some non-residential uses on the ground floor. The majority of the Picnic Bay urban areas have been included in the Low density residential zone to reflect the role of Picnic bay as predominately residential in nature with access to small scale neighbourhood centre uses.

In your submission it is requested that council review and amend the Draft City Plan in regard to Lot 13 on RP719255 Sooning St, Nelly Bay Magnetic Island. It is noted that the land is included in the Community and Government Precinct of the TCP 2005 and is now included in the Low density residential zone of the Draft City Plan. As noted in your submission, the subject land is mapped in the Natural assets overlay to contain very high environmental value. Considering this, it is appropriate to amend the zoning to better align with the natural assets over the site. The site has therefore been amended to be included in the zoning consistent with the current zoning and has amended the zoning to include the land in the Community facilities zone. Any development of the site will still be required to consider the natural assets present and address the Natural assets overlay code and policy.

Irrespective of the zoning of the land, the same level of protection is afforded by the Natural assets overlay and code.

In your submission you note that the Nelly Bay tourist precinct allows for development of up to four storeys, but this should be reduced to two storeys as the land is affected by the Landslide hazard overlay. In response to this, the Draft City Plan overlay for landslide hazard is required to ensure the development does not result in unreasonable risk to people or property. This is in accordance with the State Planning Policy requirements. Of importance is that areas at risk of landslide are identified to ensure the risk is appropriately considered and mitigated. As noted, a portion of the land within the Nelly Bay tourist precinct is mapped by the Landslide hazard overlay. Landslide hazard however does not mean the land is undevelopable, but that the development must ensure there is not unreasonable risk to people and property. The Landslide hazard overlay requires that all development meets the Landslide hazard overlay code which would require site specific geotechnical considerations and may result in specific design solution to mitigate the risk or that parts of the site may not be suitable for development.

Your submission also references lots on the landward side of Sooning Street. Your submission does not make reference to specific lots; however no lots on the landward side of Sooning Street are included in the Nelly bay tourist precinct. Sites nearby on the landward side of Sooning Street have been included either in the Medium density residential zone - Magnetic Island medium density precinct which indicates development of up to two storeys (reduced from three from TCP 2005) or the Mixed use zone, and Nelly bay gateway precinct which allows development of up to three storeys (equivalent to that of the TCP 2005). You have noted that these sites are affected by flood. In areas affected by flooding the Draft City Plan has not up-zoned the land for increased levels of development. As noted above, this land has not been up zoned but is consistent with or reduced from that allowed in the TCP 2005 in terms of building height. When properties are mapped in the Flood hazard areas development will be required to meet the Flood hazard overlay code. The development must therefore demonstrate compliance with these codes to be approved, which may require special design requirement to ensure the risk to people and property from hazards has been appropriately mitigated.

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Your submission also makes reference to lots at Terrace Place and the Esplanade. This area is included in the Medium density zone, Magnetic Island medium density precinct. Development within the Magnetic Island medium density precinct is already limited to two storeys in building height as requested in your submission. Therefore no change is required.

In your submission you raise matters about areas within Arcadia in the Medium density residential zone including:

- 13 lots fronting Marine Parade on the Nelly Bay side of Bright Avenue and 10 lots fronting Marine Parade on the Alma Bay side of Bright Avenue;
- 10 lots again fronting Marine Parade, adjoining the Arcadia central area and between Appian Way and Horden Avenue;
- 13 lots between Armand Way and Cook St and opposite these a further 5 lots on Olympus Crescent; and
- the latter lots include an area bordering Alma Creek that includes the former Defence land on Bremner Point; an area previously classified Open Space.

All lots mentioned above are included in the Medium density residential zone, but are also included in the Magnetic Island medium density precinct. The Magnetic Island medium density precinct indicates a maximum building height of up to two storeys as requested. Therefore no change is required.

In response to the specific later lot mentioned at Alma Creek previously included in the Open Space Precinct of the TCP 2005 (Lot 75 on EP272). This lot has been amended to be included in the Environmental management and conservation zone due to the natural assets identified on the site.

In your submission it is requested that council amend the Draft City Plan to include the site on the corner of West Point Road adjoining the Cockle Bay Sewage Treatment Plant (Lot 175 on EP1969) in the Environment management and conservation zone rather than the Community facilities zone (Community and Government Precinct in the TCP 2005). It is noted that this is because of the seasonal wetland on this site and the surrounding Moreton Bay Ash flats. In response to this, the site currently does provide a community facility use. The protection of the site is still achieved by the Natural assets overlay and code regardless of the zoning. The Community facilities zoning allows the continuation of the current community facility use, while any new development would be required to address the Natural assets overlay code. Accordingly no change has been made to the Draft City Plan in relation to this matter.

In your submission you recommended council review and amend the zoning of two areas of land on The Esplanade as low impact industry. You note that this appears inconsistent with the remote location of West Point and its residential role. In response to this please be advised that the land reference at West Point is not included in the Low impact industry zone. This land has been included in the Rural residential zone. The purpose of this zone is to provide for residential development on large lots where local government infrastructure and services may not be provided where the intensity of residential development is generally dispersed. The residential nature of the land and the limited access to services make this the appropriate zoning for the subject land. Therefore no change has been made to the Draft City Plan.



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In your submission you raised that the description of Fort Complex as located at West Point is unnecessarily confusing. In response to this, the details required to be included in places of cultural heritage table follows the state requirements for identification of sites. This is the legal description of the property which must be used. Often large sites do not have a street address and are best located using the Lot on Plan number. Reference to Lot on Plan indicates that the site is based on a cadastral surveyed boundary and a registered survey plan.

In your submission it is requested that the identified three character precincts on Magnetic Island be changed to be included in the Character residential zone. In response to this please be advised, the Draft City Plan may only regulate development that is a defined use (i.e. shop) or via the building work mechanism. As noted in your submission the character of the island precincts is demonstrated by elements including the natural landscape, fences or lack of fences or lack of curb and channel. All these features, while they may portray a distinct character, are elements that cannot be triggered as building work as they do not fall under the definition of building work. Therefore, the Draft City Plan has no means to regulate the landscaping, fence and driveways etc. This, is unlike other character precincts where the built form is distinctly consistent and can be measured (e.g. roof pitch of 23 degrees) and enforced because new, or changes to structures (building work), require a permit for building work and can be therefore triggered by the Draft City Plan for assessment.

In summary, while the studies identified that there are precincts on Magnetic Island which display an island character, the elements which do this (i.e. landscaping, fencing) cannot be triggered by the Character residential zone. Accordingly, it is not possible to regulate the character of these areas as building work and these areas will remain in the Low density residential zone.

In your submission you note that you have concerns that few places have been recognised in the Cultural heritage overlay on Magnetic Island. You also note that MICDA supports the submission made by the Magnetic Island History and Craft Centre Inc. (MIHCC). In response to this matter council provides the following information.

Thank you for suggesting that additional properties on Magnetic Island be considered for inclusion in 'Schedule 7 Places of cultural heritage value' ('Schedule 7'). In particular, your submission indicated MICDA's strong support of a submission made by the Magnetic Island History and Craft Centre Inc. (MIHCC). MIHCC's submission represents a considerable body of work, and council acknowledges the effort undergone to prepare the submission, and the 27 properties identified for inclusion in Schedule 7.

One of the properties nominated in the MIHCC submission, 15 Barbarra Street, Picnic Bay, has been determined to be eligible for entry, and will therefore be added immediately to Schedule 7.

Unfortunately, however, there was not sufficient information included in MIHCC's submission for council to conclusively determine whether the other nominated properties meet criteria for city-wide significance. Council resources are limited to the extent that it will not be possible to properly assess properties indicated in your submission in time for Draft City Plan to take effect in mid-2014.

For those properties, there is a procedure whereby formal nominations can be submitted at any time

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for City Plan to be amended and properties added to Schedule 7.

A property is eligible for entry in Schedule 7 if it satisfies one or more of the following criteria:

1. It is important in demonstrating the evolution or pattern of Townsville's history;
2. It demonstrates rare, uncommon or endangered aspects of Townsville's cultural heritage;
3. It has potential to yield information that will contribute to the knowledge and understanding of Townsville's history;
4. It is important in demonstrating the principal characteristics of a particular class or classes of cultural places;
5. It is important because of its aesthetic significance;
6. It is important in demonstrating a high degree of creative or technological achievement at a particular period;
7. It has a strong or special association with the life or work of a particular community or cultural group for social, cultural or spiritual reasons;
8. It has a special association with the life or work of a particular person, group or organisation of importance in the city's or local area's history; and
9. It was constructed prior to 1910.

Enclosed please find an Application Form and supporting information to assist you with the nomination process. If MICDA believes there are properties that satisfy at least one of the above criteria, you are encouraged to lodge with council a formal nomination for each, along with additional supporting documentation that demonstrates how the place meets at least one of the heritage criteria. Please feel free to contact council if you have any additional queries regarding this matter.

In your submission you raised that the Draft City Plan should include information on the aboriginal cultural heritage of Magnetic Island. As noted previously, the Draft City Plan does not duplicate matters covered by other legislation. Sites of aboriginal cultural heritage are protected by the *Aboriginal Cultural Heritage Act 2003*. This is noted in the Draft City Plan Strategic framework. As required by this Act it is the land user's duty of care to obtain the relevant information and ensure that all reasonable and practicable measures are taken to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in the Aboriginal Cultural Heritage Act 2004 database. Accordingly this is managed outside of the Draft City Plan.

In your submission you requested that the Draft City Plan structure should be simplified. As noted previously, the structure of the Draft City Plan is in accordance with the state government requirements (Queensland Planning Policy) for the making of planning schemes across Queensland. This is a mandatory requirement, therefore the structure of the scheme and the placement of mapping must follow this policy. The Draft City Plan structure results in the most simplified option for the entire local government area.

The scheme mapping is also all available online making it highly accessible, with all the mapping in one location and the desired scale and mapping layers (i.e. zoning, precinct, overlays) can be more simply navigated, with features such as search my property. A map index is provided in the Draft City



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Plan for hard copy maps. These are included Schedule 2 Mapping SC2.3 Zone maps - Townsville City Council Planning Scheme Zoning Map Index and Townsville City Council Planning Scheme Precinct Map Index. Accordingly the structure of the scheme has not been amended.

In your submission you requested a number of zoning changes. Each request is responded to below.

In your submission you raise that the emergency services station in Kelly Street Nelly Bay should be included in the Community facilities zone rather than the Low impact industry zone. This land is currently in the Core Industry Precinct of the TCP 2005. The Draft City Plan zoning, being Low impact industry, zone is therefore consistent with the current industrial based precinct for the site. Emergency services are uses considered appropriate and supported in the Low impact industry zone. It is not necessary to spot zone for a specific community facilities as they are supported to be collocated within industrial areas. Accordingly no change has been made to the Draft City Plan regarding this matter.

In your submission you raise that four sites which contain churches should be included in the Community facilities zone. Many small church sites throughout Townsville have been included in the zone which best reflects the overall locality to avoid spot zoning. These sites are generally within established residential areas as the scale of the church is compatible with the residential nature of the area. The zoning does not prevent or impact on the sites continuing to operate for the purpose of a church. These sites are all currently included in a residential zone (Traditional or Neighbourhood Residential Precinct) and the Draft City Plan therefore reflects existing zoning. Accordingly no change has been made to the zoning of these lots.

In your submission you raised that Nelly Bay Habitat Reserve should be included in the Environmental management and conservation zone and not the Open space zone. Council agrees that due to the natural assets present on the sites, the sites may be included in the Environmental management and conservation zone. Accordingly, Lot 138 on CP812575 and Lot 210 on EP1627 have been changed to be included in the Environmental management and conservation zone.

In your submission your raise that the two blocks between Warboys Street and Sooning Street should be included in the Environmental management and conservation zone and not the Open space zone. Council agrees that due to the natural assets present on the sites, the sites may be included in the Environmental management and conservation zone. Accordingly, Lot 33 on N3559 and Lot 34 on N3559 have been included in the Environmental management and conservation zone.

In your submission you raised that the triangular area bounded by 22 - 28 Marine Parade and 8 -24 McCabe Crescent seems to be designated "road reserve" only. You note that within this area there is significant remnant vegetation and the land should have the same status as the Habitat Reserve in Nelly Bay. In response, the land referred to is road reserve. Road Reserve, as a form of tenure, is distinct from freehold land. It is publicly owned and has limited potential for development other than for road/pedestrian purposes. As the land is road reserve it is not a lot and therefore cannot be uniquely zoned.

Accordingly, as detailed throughout this response, there have been changes made to the Draft City



PLANNING AND DEVELOPMENT

Plan in relation to the matters raised in your submission.

Thank you for your interest in the development of the Draft City Plan. Under the requirements of the *Sustainable Planning Act 2009*, the Draft City Plan has now been sent to the State Government seeking formal approval for adoption. Should you require any assistance regarding any of the matters outlined in this letter, please contact the City Planning Unit on telephone number (07) 4727 9153 or email thenewcityplan@townsville.qld.gov.au.

Regards

Stewart Pentland
Director, Planning and Development

