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1.0 Introduction

1.1 Application

- 1) The Hyde Park Plan of Development (hereafter 'the Plan of Development') has been prepared as a framework for managing the future development of land currently described as LOT 1 ON RP742540, and also known as 36-48 KINGS ROAD, HYDE PARK QLD 4812, as shown on Map 1 – Structure Plan (hereafter 'the Structure Plan').

1.2 Purpose

- 1) The purpose of the Hyde Park Plan of Development is to provide a categorising instrument for managing development in the defined development area by:
 - a) identifying the development area;
 - b) identifying assessment categories for development being;
 - i) accepted development;
 - ii) accepted development subject to requirements; or
 - iii) assessable development; and
 - c) specifying the categories of assessment required for different types of assessable development; and
 - d) nominating a site-specific development code for assessing development.

1.3 Relationship with *Planning Act 2016*

- 1) The Plan of Development functions as a part of a Preliminary Approval which varies the effect of a local planning instrument for the structure plan area, pursuant to section 61 of the *Planning Act 2016* (the Act) by:
 - a) stating that the category of development and assessment and the corresponding assessment benchmarks for assessable development and accepted development in the structure plan area that are different to the category of development and assessment for development stated in a local planning instrument (hereafter 'the Townsville City Plan') applying to the structure plan area; and
 - b) identifying the assessment benchmarks applying to development in the structure plan area that:
 - i) are different to the assessment benchmarks in a local planning instrument applying to the structure plan area; and
 - ii) apply to development in the structure plan area differently to how the assessment benchmarks in a local planning instrument apply to development in the structure plan area.

1.4 General

- 1) The Plan of Development is comprised of -
 - a) Schedule A – Tables of assessment for the area identified within the Structure Plan ; and

- b) Schedule B – Hyde Park Development Code (including its Purpose, Overall outcomes, Performance outcomes and Acceptable outcomes).

1.5 Compliance with The Code

- 1) Development that complies with the applicable assessment benchmarks as identified within the Tables of assessment for the Precincts in which the development is located, complies with this code.
- 2) Where relevant Schedule 6 – Planning Scheme policies of the Townsville City Plan will be applied to determine the extent of compliance with any applicable code and/or applicable assessment benchmark in accordance with the Plan of Development.

1.6 Assessment Categories

- 1) The categories of assessment and assessment benchmarks are identified for development.
- 2) If an overlay applies to the premises, as outlined in the Townsville City Plan overlay maps in Schedule 2; refer to section 5.9 Categories of development and assessment – Overlays, to determine if the overlay further changes the category of development or assessment, with exception to the Flood hazard overlay as listed in Table 1.5 of the Plan of Development. Assessment for any overlays shown in the mapping is to be undertaken against the provisions of the Townsville City Plan.

Note: Where development is proposed on premises partly affected by an overlay, the category of development for assessment for the overlay only relates to the part of the premises affected by the overlay.

Accepted development subject to requirements, must comply with the requirements contained in the identified assessment benchmark(s) as identified in the 'assessment benchmarks for assessable development and requirements for accepted development' column. Development categorised in Schedule A as Accepted development subject to requirements, that does not comply with one or more of the requirements of an identified assessment benchmark, becomes code assessable development.

Impact assessable development will trigger assessment against the Townsville City Plan and the outcomes listed in Section 6 of the Plan of Development.

2.0 Interpretation

2.1 Definitions

- 1) The Use Definitions and Administrative Definitions listed in the Townsville City Plan are the relevant definitions for the Hyde Park Plan of Development.
- 2) Terms not defined in the Townsville City Plan have the meaning assigned to that term by the *Planning Act 2016* (the Act).
- 3) Terms not defined in the Townsville City Plan or the Act have their common meaning.

2.2 Categories of Assessment

- 1) In accordance with the Act, the categories of assessment relevant to this document are:
 - a) accepted development; and
 - b) assessable development.
- 2) The above categories of assessment include accepted development subject to requirements.

2.3 Determining Category of Assessment

- 1) The Hyde Park Plan of Development limits the applicability of overlays as nominated within the Townsville City Plan, as specified in the Hyde Park precinct Tables of Assessment at Schedule A.
- 2) The following rules apply to determining compliance with a code for accepted development subject to requirements:
 - a) development must comply with the identified acceptable outcomes of the applicable code/s;
 - b) where the acceptable outcomes are not achieved, the development becomes assessable development and requires code assessment; and
 - c) development that is made assessable pursuant to section 2.3(2)(b) must be assessed against the assessment benchmark(s) for the development application, limited to the subject matter of the acceptable development assessment benchmark(s) acceptable outcomes that were not complied with.
- 2) The following rules apply in determining compliance with a code for assessable development:
 - a) development complies with the code if it is consistent with the purpose of the code;
 - b) development which complies with the overall outcomes, complies with the purpose of the code;
 - c) development which complies with the performance or acceptable outcomes complies with the purpose and overall outcomes of the code.
- 3) Where development requiring impact assessment does not comply with the identified acceptable outcomes of the applicable code/s, development complies if it is consistent with the Strategic Framework of the Townsville City Plan.

Schedule A - Tables of assessment

Table of Assessment - Hyde Park centre-frame precinct		
Use	Category of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Park	Accepted Development	
		No assessment benchmarks apply
Telecommunications facility	Accepted Development	
	If aerial cabling for broadband purposes	No assessment benchmarks apply
	Assessable development - Code assessment	
	Otherwise	Hyde Park Plan of Development - Hyde Park centre frame precinct code; and Townsville City Plan <input type="checkbox"/> Major centre zone code Healthy waters code <input type="checkbox"/> Landscape code <input type="checkbox"/> Transport impact, access and parking code <input type="checkbox"/> Works code
Caretaker's accommodation Community care centre Community use Club Dwelling unit Educational establishment Emergency services Function facility Indoor sport and recreation Market Multiple dwellings Place of worship Sales office Service station Veterinary services	Accepted Development	
	If in an existing building and not involving more than minor building work	No assessment benchmarks apply
	Assessable development - Code assessment	
	Otherwise	Hyde Park Plan of Development - Hyde Park centre frame precinct code; and Townsville City Plan <input type="checkbox"/> Major centre zone code Healthy waters code <input type="checkbox"/> Landscape code <input type="checkbox"/> Transport impact, access and parking code <input type="checkbox"/> Works code
Office	Assessable development - Code assessment	
	If the gross floor area does not exceed 6,000m ²	Hyde Park Plan of Development - Hyde Park centre frame precinct code; and Townsville City Plan <input type="checkbox"/> Major centre zone code Healthy waters code <input type="checkbox"/> Landscape code <input type="checkbox"/> Transport impact, access and parking code <input type="checkbox"/> Works code
Showroom Service industry	Accepted Development	
	If in an existing building and not involving more than minor building work	No assessment benchmarks apply
	If: a) not accepted development subject to requirements; and	Hyde Park Plan of Development - Hyde Park centre frame precinct code; and Townsville City Plan <input type="checkbox"/> Major centre zone code Healthy waters code

	<p>b) the gross floor area does not exceed 6,000m²;</p> <p>Editor's note—The gross floor area threshold is calculated for a new use or an extension to an existing use. It is not the cumulative total of the existing centre and the additional gross floor area forming part of the development application.</p>	<p><input type="checkbox"/> Landscape code</p> <p><input type="checkbox"/> Transport impact, access and parking code</p> <p><input type="checkbox"/> Works code</p>
Food and drink outlet	Accepted development subject to requirements	
	<p>If</p> <p>a) in an existing building and not involving more than minor building work; and</p> <p>b) not involving a drive through facility</p>	
	Assessable development - Code assessment	
	<p>If:</p> <p>a) not accepted development subject to requirements; and</p> <p>b) the gross floor area does not exceed 500m²</p> <p>Editor's note—The gross floor area threshold is calculated for a new use or an extension to an existing use. It is not the cumulative total of the existing centre and the additional gross floor area forming part of the development application.</p>	<p>Hyde Park Plan of Development - Hyde Park centre frame precinct code; and</p> <p>Townsville City Plan</p> <p><input type="checkbox"/> Major centre zone code</p> <p>Healthy waters code</p> <p><input type="checkbox"/> Landscape code</p> <p><input type="checkbox"/> Transport impact, access and parking code</p> <p><input type="checkbox"/> Works code</p>
Shop Shopping centre	Assessable development - Code assessment	
	<p>If the gross floor area does not exceed 2000m²</p> <p>Editor's note—The gross floor area threshold is calculated for a new use or an extension to an existing use. It is not the cumulative total of the existing centre and the additional gross floor area forming part of the development application.</p>	<p>Hyde Park Plan of Development - Hyde Park centre frame precinct code; and</p> <p>Townsville City Plan</p> <p><input type="checkbox"/> Major centre zone code</p> <p>Healthy waters code</p> <p><input type="checkbox"/> Landscape code</p> <p><input type="checkbox"/> Transport impact, access and parking code</p> <p><input type="checkbox"/> Works code</p>
Theatre	Accepted Development	
	<p>If in an existing building and not involving more than minor building work</p>	
	Assessable development - Code assessment	
	<p>Where only involving 5 screens</p>	<p>Hyde Park Plan of Development - Hyde Park centre frame precinct code; and</p> <p>Townsville City Plan</p> <p><input type="checkbox"/> Major centre zone code</p> <p>Healthy waters code</p> <p><input type="checkbox"/> Landscape code</p> <p><input type="checkbox"/> Transport impact, access and parking code</p> <p><input type="checkbox"/> Works code</p>
Health care services	Assessable development - Code assessment	
	<p>If the gross floor area does not exceed 2000m²</p> <p>Editor's note—The gross floor area threshold is calculated for a new use or an extension to an existing use. It is not the cumulative total of the existing centre and the additional gross floor area forming part of the development application.</p>	<p>Hyde Park Plan of Development - Hyde Park centre frame precinct code; and</p> <p>Townsville City Plan</p> <p><input type="checkbox"/> Major centre zone code</p> <p>Healthy waters code</p> <p><input type="checkbox"/> Landscape code</p> <p><input type="checkbox"/> Transport impact, access and parking code</p>

		<ul style="list-style-type: none"> ▫ Works code
Car wash	Assessable development - Code assessment	
		Hyde Park Plan of Development - Hyde Park centre frame precinct code; and Townsville City Plan <ul style="list-style-type: none"> ▫ Major centre zone code Healthy waters code ▫ Landscape code ▫ Transport impact, access and parking code ▫ Works code
Childcare centre	Assessable development - Code assessment	
		Hyde Park Plan of Development - Hyde Park centre frame precinct code; and Townsville City Plan <ul style="list-style-type: none"> ▫ Major centre zone code Healthy waters code ▫ Landscape code ▫ Transport impact, access and parking code ▫ Works code
Assessable development - Impact assessment		
Any other use not listed in this table. Any use listed in this table and not meeting the description listed in the categories of development and assessment column. Any other undefined use.		Hyde Park Plan of Development - Hyde Park centre frame precinct code and the planning scheme

Editor's note—The above categories of development and assessment apply unless otherwise prescribed in the Regulation.

Table 1.2 - Reconfiguring a lot

Reconfiguring a Lot		
	Category of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Reconfiguring a lot	Assessable development - Code assessment	
	All	Hyde Park Plan of Development - Hyde Park centre frame precinct code; and Townsville City Plan <ul style="list-style-type: none"> ▫ Major centre zone code Healthy waters code ▫ Landscape code ▫ Transport impact, access and parking code ▫ Works code ▫ Reconfiguring a lot code
Assessable development - Code assessment		
Any other reconfiguring a lot not listed in this table, unless otherwise prescribed in the Regulation. Any reconfiguring a lot listed in this table and not meeting the description listed in the categories of development and assessment column		

Editor's note—The above categories of development and assessment apply unless otherwise prescribed the Regulation.

Hyde Park centre frame precinct code

3.1 Application

- 1) This code applies to development where the code is identified as applicable in the categories of development and assessment in Schedule A - table of assessment.

3.2 Purpose

The purpose of the Hyde Park centre frame precinct code is to provide for a mix of uses and activities that complement the Hyde Park major centre retail core by providing for a mix of uses including additional shopping, offices, community and residential uses that reinforce the Hyde Park centre's role as a mixed use activity centre.

The particular purpose of the code is to:

- a) The precinct complements the Hyde Park major centre with a mix of uses including additional shopping, offices, residential, administrative and health services, community, cultural and entertainment facilities that reinforces the Hyde Park major centres role as a mixed use activity centre.
- b) The scale of retail and office space does not adversely impact on the successful functioning and role of the Hyde Park Major Centre, other centres or the CBD. It does not contain a full line supermarket, discount department store or department store, however convenience shopping and a limited line supermarket is supported.
- c) Uses such as showrooms and outdoor sales may occur in the precinct, however, large scale retail outlets are not intended within the development area.
- d) Development is generally low-medium rise and designed and operated to minimise adverse impacts on the amenity of surrounding residential neighbourhood.
- e) Development avoids significant adverse effects on water quality and the natural environment.
- f) Development generally operates within daylight hours only.
- g) Residential components are accommodated in mixed use developments, with retail or commercial uses at the ground storey;
- h) Buildings have a strong relationship with their street frontage by contributing to streetscape improvements, passive surveillance, and creation of an identifiable major centre;
- i) The design of the precinct gives priority to improved accessibility to and within the broader major centre and to the principal centre (CBD) by walking, cycling and public transport, particularly along Woolcock Street.

Performance Outcome/Acceptable Outcomes	
For Assessable development	
Role and function	
PO1: Development is consistent with the intended role, scale and character of the precinct and does not compromise the intended role or successful	No acceptable outcome is nominated. Editor's note—Applicants should have regard to Economic impact assessment planning scheme

Performance Outcome/Acceptable Outcomes	
<p>functioning of the Hyde Park major centre, principal centre (CBD) or other major centres.</p> <p>The growth of retail and office floor space within the precinct is balanced and anticipated growth within its primary catchment and does not substantively impact on the trading of other centres for an extended period of time or unduly undermine the potential for another centre to expand into its intended role.</p>	<p>policy SC6.5 for guidance on how to demonstrate compliance with this performance outcome.</p>
<p>PO2:</p> <p>Full line supermarket and discount department store retail uses do not occur in this precinct.</p>	<p>No acceptable outcome is nominated.</p>