

BNC Ref. DA064-24
TCC Ref. MCU24/0066
SARA Ref. 2408-41795 SRA

Date >> 5 November 2024

ASSESSMENT MANAGER
TOWNSVILLE CITY COUNCIL
PO BOX 1268
TOWNSVILLE QLD 4810

AND

STATE ASSESSMENT AND REFERRAL AGENCY
NORTH AND NORTH WEST REGIONAL OFFICE
PO BOX 5666
TOWNSVILLE QLD 4810

**RE: APPLICANT RESPONSE TO ASSESSMENT MANAGER & REFERRAL AGENCY INFORMATION REQUESTS
MATERIAL CHANGE OF USE DEVELOPMENT APPLICATION – VARIATION REQUEST TO OVERRIDE THE PLANNING
SCHEME MCU24/0066 (TCC REF.)
36-48 KINGS ROAD HYDE PARK QLD 4812**

BNC Planning acting on behalf of the applicant submit this combined response to the *information requests* issued by the Townsville City Council as assessment manager and the State Assessment and Referral Agency (SARA) as a referral agency, in accordance with the Development Assessment Rules. The assessment manager information request is dated 3 October 2024, and the SARA information request is dated 23 August 2024. The requests are associated with a material change of use for a variation request over the above referenced addressed.

The applicant has responded by providing all of the information requested or has provided a suitable alternative outcome. A detailed response to each item from the notice is provided below.

ASSESSMENT MANAGER – TOWNSVILLE CITY COUNCIL – INFORMATION REQUEST

Request Item 1 – Plan of Development

The applicant is requested to provide a Plan of Development for the Variation Request including a Table of Assessment and Precinct Provisions.

Applicant's response

The applicant provides the attached Plan of Development for the Variation Request, which includes a table of assessment and precinct provisions.

REFERRAL AGENCY - STATE ASSESSMENT AND REFERRAL AGENCY – INFORMATION REQUEST

Request Item 1 – Transport Impact Assessment

Issue:

The existing access points to Woolcock Street were not designed, assessed or approved to cater for traffic generated by additional centre zone uses. The existing access points onto Woolcock Street may be inadequate to deal with additional traffic generated by uses under an expanded Major Centre zone, thereby undermining the safety and operating conditions of Woolcock Street. The existing access points at King Street might also be inadequate to deal with the additional traffic generated by additional centre zone uses. Any increase in vehicles using the Woolcock/Kings Street intersection might impact the safe and efficient functioning of this intersection.

As future uses and their traffic generation can have an impact on the safety of the state-controlled road, its structural integrity and physical condition, as well as its operating performance, a Traffic Impact Assessment (TIA) considering the impact of the highest and best uses anticipated for the site is required.

Applicant's response

The reasoning behind requesting a Traffic Impact Assessment is to demonstrate that future uses of the site will not adversely impact on the safety of the state-controlled road, its structural integrity and physical condition, as well as its operating performance.

However, under the proposed Plan of Development, any concerning material change of use within the site to expand the Major centre zone would be code or impact assessable, as these new uses could not be located within existing buildings on site (as the area is predominantly undeveloped). With the future development being assessable, development applications on the site would be required to be referred to the State Assessment and Referral Agency, enabling the referral agency to assess the application and proposed development. This would provide an opportunity for the State Assessment and Referral Agency to request the application to provide a TIA tailored to the specific development. This is a better outcome than providing a TIA for the highest and best uses anticipated for the site, as the TIA currently being requested would be based on theoretical uses, and not specific uses being proposed.

In this way, the issue raised by the State Assessment and Referral Agency is resolved through the regular development assessment processes for future development.

The exception to this is the uses for a Park or Telecommunication facility, which are currently accepted development within the Medium density residential zone, and thus would not be referable regardless of the variation request.

Request Item 2 – Stormwater and Flood Management Report

Issue:

The portion of the subject site that is currently located within the Hyde Park medium density residential precinct of the Medium density residential zone is located within the Medium and High hazard area of the Townsville City Council Flood hazard overlay mapping. The development application material does not include any aspects of development and as such no information has been provided in relation to stormwater, overland flow, flooding, or drainage associated with future development. As this portion of the subject site is mostly undeveloped, any future development is foreseen to potentially result in a material worsening of stormwater and flooding impacts on the state-controlled road.

Applicant's response

As with the previous matter raised, the reasoning behind requesting a RPEQ certified stormwater management plan and flood impact assessment is to demonstrate that future uses of the site will not adversely impact on the material worsening of stormwater and flooding impacts on the state-controlled road.

Under the proposed Plan of Development, any concerning material change of use that involves building works would be assessable, whether code or impact assessable, as these new uses cannot be located within existing buildings on site. With the future development being assessable, development applications on the site would be required to be referred to the State

Assessment and Referral Agency, enabling the referral agency to assess the application. This would provide an opportunity for the State Assessment and Referral Agency to request the application to provide a RPEQ certified stormwater management plan and flood impact assessment tailored to the specific development.

This is a better outcome than providing a RPEQ certified stormwater management plan and flood impact assessment for the highest and best uses anticipated for the site, as the RPEQ certified stormwater management plan and flood impact assessment currently being request would be based on theoretical uses, and not specific uses being proposed.

In this way, the issue raised by the State Assessment and Referral Agency is resolved through the regular development assessment processes for future development.

The exception to this is the uses for a Park or Telecommunication facility, which are currently accepted development within the Medium density residential zone, and thus would not be referable regardless of the variation request.

REFERRAL AGENCY - STATE ASSESSMENT AND REFERRAL AGENCY – ADVICE

Advice Item 1 – Future intent, type of development, scale and traffic generation

Issue:

As this application is for a preliminary approval for a variation request, effectively overriding the planning scheme, limited information pertaining to potential future uses is provided and the applicant has deferred assessments to future applications. However, being a Major centre zone, it is highly likely that many of the uses to be established in the current Medium Density Residential zone portion of the subject site will become accepted development and will therefore not trigger referral to SARA in future. The impact of such uses under the Major centre zone were not previously assessed for the current Medium Density Residential zone portion of the subject site and there is the potential that future uses might include, for example, shopping centre expansion.

Advice Item 2 – Environmental emissions – Noise

Issue:

The proposed extension of the Major centre zone over the entire subject site will allow for accommodation activities and uses (such as childcare centre, educational establishment, and hospital) that are accepted development in the Major centre zone. Such uses will not be required to be referred to SARA at the time of development. The northern part of the subject site is located within the Category 2 and Category 3 noise level area ranging from 63 dB(A) to 68 dB(A) and 68 dB(A) to 73 dB(A). Noise impacts cannot currently be determined based on information provided in the development application.

Applicant's response

As with the requested items, SARA raises concerns over the lack of referral of new centre uses. However, of the development SARA explicitly raises as concerning (shopping centre, childcare centre, education establishment, and hospital) only an educational establishment can be accepted development under the proposed variation request within the updated Plan of Development. In the case for the educational establishment, the material change of use must occur within an existing building and not involve more than minor building work to be accepted development. In all other cases the material change of use would be assessable and referred to SARA.

In the case where an educational establishment would occur within an existing building, it would require a very specific building design and would typically require building works to fit an existing building for that purpose, where it had not been used as such before. Where these building works would occur, then the development would be assessable, and would therefore trigger referral to SARA. Where the appropriate building design requirements are already provided and the development would be accepted development, then the site is already suited for the development and there is no need for assessment or referral.

Summary

For clarity, this correspondence constitutes the applicant response to the information requests issued by the assessment manager and SARA under section 13 of the Development Assessment Rules.

I trust the additional common material included in this response provides sufficient information to allow the assessment of the development application to proceed. Should there be any issues, or should additional information be required, please contact me.

Kind regard,



Sai Santoso-Miller
Town Planner

Att.