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**From:** "BNC Planning Enquiries" <enquire@bncplanning.com.au>  
**Sent:** Wed, 26 Jun 2024 11:59:13 +1000  
**To:** "Development Assessment" <developmentassessment@townsville.qld.gov.au>  
**Subject:** Lodgement of Development Application - 36-48 Kings Road, Hyde Park  
**Attachments:** DA064-24\_IMCU-VR\_v1.0\_260624.pdf

*BNC Planning*, acting on behalf of the applicant hereby lodge the attached development application in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* seeking a preliminary approval under s50 of the Act (variation request) at the above referenced address.

This development application is being made to the Townsville City Council as the relevant assessment manager under the *Planning Regulation 2017* and has been made in the *approved form* as required under s51 of the *Planning Act 2016*.

The relevant assessment manager application fee will be paid by or on behalf of the applicant following confirmation of receipt of this email by council. I trust this information is sufficient for acceptance of this development application as *properly made* subject to payment of the application fee. Please contact the office should there be any issues or if you require any further information.

Kind regards,



Office 7 / Ground Floor / 41 Denham Street TOWNSVILLE CITY QLD 4810  
PO BOX 5493 TOWNSVILLE QLD 4810 T. (07) 4724 1763 M. 0438 789 612 E. [enquire@bncplanning.com.au](mailto:enquire@bncplanning.com.au)

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BNC Ref. DA064-24  
IMPACT: MCU

**Date >> 26 June 2024**

ASSESSMENT MANAGER  
TOWNSVILLE CITY COUNCIL  
PO BOX 1268  
TOWNSVILLE QLD 4810  
Attention: Planning  
Via: EMAIL

Dear Assessment Manager,

**RE:        LODGEMENT OF A DEVELOPMENT APPLICATION UNDER CHAPTER 3, PART 2 OF THE *PLANNING ACT 2016*  
              DEVELOPMENT PERMIT FOR AN IMPACT ASSESSABLE MATERIAL CHANGE OF USE (VARIATION REQUEST)  
              36-48 KINGS ROAD, HYDE PARK QLD 4812 (RPD: LOT 1 ON RP742540)**

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*BNC Planning* acting on behalf of the applicant submits the attached development application to the Townsville City Council in accordance Chapter 3, Part 2 of the *Planning Act 2016* (the Act). The development application is seeking a development permit for a material change of use being a variation request under s50 of the Act over the above reference premises.

This development application is being made to the Townsville City Council as the relevant assessment manager under the *Planning Regulation 2017* and has been made in the *approved form* as required under s51 of the *Planning Act 2016*. The common material making up the development application include:

- Relevant development application forms and written consent of the landowner(s).
- A detailed planning report and the relevant site detail.
- Development plans and other relevant supporting information.

Please make contact to confirm receipt of this development application and to confirm the assessment manager application fee amount and payment options. It is noted that the application fee for this application type (variation request) is 'price upon application'. I trust this information is sufficient for acceptance of the development application as *properly made* subject to payment of the application fee. Please contact me should there be any issues or if you require any further information.

Kind regard,



**Benjamin Collings**  
Director



# BNC PLANNING

*town planning & property development consultants*



## DEVELOPMENT APPLICATION *PLANNING ACT 2016*

**PRELIMINARY APPROVAL UNDER s50 OF THE PLANNING ACT 2016**

MATERIAL CHANGE OF USE – VARIATION REQUEST

at

**36-48 KINGS ROAD,  
HYDE PARK QLD 4812**

RPD: LOT 1 ON RP742540



**BNC PLANNING**

*town planning & property development consultants*

## **PLANNING REPORT**

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### **DEVELOPMENT APPLICATION FOR A PRELIMINARY APPROVAL**

*PLANNING ACT 2016*

### **IMPACT ASSESSABLE MATERIAL CHANGE OF USE – VARIATION REQUEST UNDER s50 OF THE *PLANNING ACT 2016***

36-48 KINGS ROAD, HYDE PARK QLD 4812

being

LOT 1 ON RP742540

for

USE RIGHTS IN ACCORDANCE WITH THE MAJOR CENTRE ZONE

**Prepared by**

Sai Santoso-Miller  
BNC Planning

**Client**

Woolcock ST Investments Pty Ltd

**Report**

Report No. DA064-24-PR  
June 2024  
Version 1.0

**DOCUMENT CONTROL**

<b>Version</b>	<b>Date</b>	<b>Author</b>
1.0	June 2024	SSM:BNC

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## 1.0 EXECUTIVE SUMMARY

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act) and is seeking a preliminary approval for a *variation request* under section 50 of the Act. The variation being sought is for use rights in accordance with the Major centre zone. This variation is in direct response to demonstrated market need and opportunity in the area, and in the interest of furthering the strategic intent of the planning scheme by achieving the highest and best use of land in response to social, economic and environmental factors.

The subject premises is situated at 36-48 Kings Road, Hyde Park more particularly described as Lot 1 on RP742540. The premises currently consists of the Hyde Park major centre, and land that is largely undeveloped to the eastern side of the site. The site contains areas of the Major Centre zone and Hyde Park major centre precinct, and the Medium density residential zone and Hyde Park medium density precinct under the planning scheme, and is affected by a number of overlays.

**For the purpose of this development application, BNC Planning act on behalf of the applicant Woolcock ST Investments Pty Ltd.**

Following a detailed, strategic land use assessment of the proposal against the applicable local and state assessment benchmarks, including pre-lodgement discussions with council, it has been determined that the development proposal is consistent with the strategic intent of the planning scheme and furthers the achievement of the strategic framework. The development application therefore warrants approval in accordance with rules of assessment as established under the Act, subject to the imposition of reasonable and relevant conditions. A summary of the development application is provided below:

**Table 1.0: Development application summary**

APPLICATION SUMMARY	
<b>Applicant:</b>	Woolcock ST Investments Pty Ltd C/- BNC PLANNING
<b>Application Type:</b>	Development Application for a Preliminary Approval
<b>Development Type:</b>	Material Change of Use (variation request under s50 of the <i>Planning Act 2016</i> )
<b>Category of Development (Level of Assessment):</b>	Assessable Development – Impact Assessable
<b>Development Description:</b>	Variation of use rights in accordance with Major centre zone
<b>Assessment Manager:</b>	Townsville City Council
<b>Referral Agencies:</b>	State Assessment Referral Agency
CATEGORISING INSTRUMENTS	
<b>Planning Scheme:</b>	Townsville City Plan 2014
<b>Planning Scheme Defined Uses/Works:</b>	NA
<b>Zoning:</b>	Major centre zone and Medium density residential zone
<b>Precincts/Sub-Precincts:</b>	Hyde Park major centre and Hyde Park medium density
<b>Overlays:</b>	Airport environs overlay Coastal environment overlay Flood hazard overlay
SITE DESCRIPTION	
<b>Property Address:</b>	36-48 Kings Road, Hyde Park QLD 4812
<b>Legal Description:</b>	Lot 1 on RP742540
<b>Site Area:</b>	75,650m <sup>2</sup>
<b>Landowner:</b>	Woolcock ST Investments Pty Ltd
<b>Tenure:</b>	Freehold
<b>Encumbrances:</b>	EMT A on RP723795
<b>Local Government Area:</b>	Townsville City Council

## 2.0 SITE AND LOCALITY

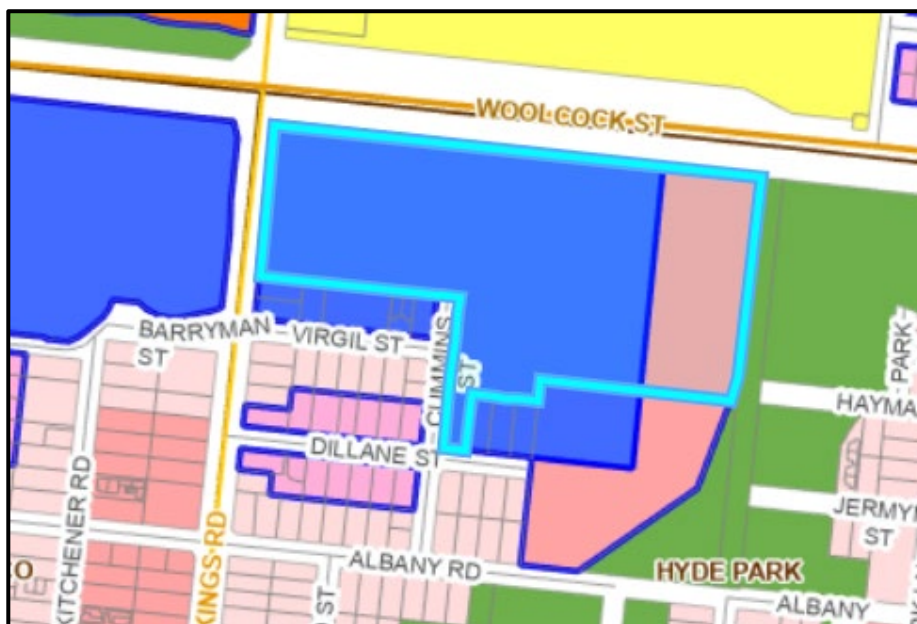
The subject premises is addressed as 36-48 Kings Road, Hyde Park, more particularly described as Lot 1 on RP742540. The land is split-zoned being within the Major centre zone and Medium density residential zone under the planning scheme. The site is also identified as being in the Hyde Park major centre precinct and Hyde Park medium density precinct and is subject to influence by a number of scheme overlays. The site and immediate locality are dominated by the Hyde Park major centre which is anchored by the Castletown Shopping Centre supported by the framing commercial uses established on the subject premises, consisting of large showroom activities supplemented by complementary, smaller retail, office, indoor sport and recreation and health care uses.

The general locality is a mix of centre and residential uses established around the major centre node anchored by Castletown, the Townsville Showgrounds and the residential community surrounding it. The subject site, Lot 1 on RP742540, consists of two zones, the Major centre zone and the Medium density residential zone. While the area of the site consisting of the Major centre zone contains commercial uses aligned to the Major centre zone and the Hyde Park major centre precinct, the area of the site within the Medium density residential zone has historically never contained residential uses and currently contains a caravan sales yard with previous sue rights for a service station. It is put to council that the lack of residential development that has occurred is due to the level of environmental constraints and the lack of acceptable residential amenity able to be achieved due to proximity to Woolcock Street.

The following table describes the key characteristics of the site:

**Table 3.0: Site characteristics**

SITE AND LOCALITY DESCRIPTION	
<b>Property Address:</b>	36-48 Kings Road, Hyde Park QLD 4812
<b>RPD:</b>	Lot 1 on RP742540
<b>Landowner(s):</b>	Woolcock ST Investments Pty Ltd
<b>Land Area:</b>	75,650m <sup>2</sup>
<b>Existing Use of Land:</b>	Commercial uses
<b>Road Frontage:</b>	~440m to Woolcock Street & ~135m to Kings Road
<b>Significant Site Features:</b>	EMT A on RP723795
<b>Topography:</b>	The site is generally flat with no notable topographic features



**Figure 3.0: Site zoning locality**



### 3.0 PROPOSAL SUMMARY

This development application is seeking a preliminary approval for a variation request under s50 of the Act, which is further defined under Schedule 2 of the Act as follows:

*Variation request means part of a development application for a preliminary approval for premises that seeks to vary the effect of any local planning instrument in effect for the premises.*

The applicant is proposing to vary the effect of the planning scheme to establish new use rights to facilitate future development outcomes aligned with the Major centre zone and Hyde Park major centre precinct. The proposal does not involve any building, site or external works and is a variation request to accommodate future uses which are currently not supported by the existing Medium density residential zoning but are consistent with dominate zoning, and local identity of the site and in doing so further the extent to which the land can achieve the Strategic Intent of the planning scheme. This proposal is intended for the site to compliment the surrounding commercial area with supporting compatible business uses at a scale that does not compromise the viability or function of the centre or the greater centres hierarchy in general.

### 4.0 STATUTORY ASSESSMENT

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the Act and is seeking a preliminary approval involving a variation request under s50 of the Act. The variation being sought is a change in the application of zoning based use rights as they currently occur within the planning scheme. More specifically, the application of use rights as they apply under the Major centre zone and Hyde Park major centre premise, to the portion of the subject site currently identified within the Medium density residential zone and Hyder Park medium density residential precinct. This proposed variation is driven by a clear and distinct overnight in the allocation of zoning right to the subject site and is being undertaken in the interest of furthering the strategic intent of the planning scheme by aligning consistent and compatible land uses, improving settlement pattern efficiency and in doing so seeking to achieve the highest and best use of land in response to unique site and locality specific social, economic and environmental factors.

The subject development application is impact assessable and therefore subject to an unbound *impact assessment* against the planning scheme as a whole, as well as any other relevant matters and the assessment benchmarks identified below.

#### 4.1 Assessing and Deciding a Variation Request – s61 of the *Planning Act 2016*

In assessing and deciding a variation request, the assessment manager must apply the decision-making rules outlined in s61 of the Act, which states:

...

(2) When assessing the variation request, the assessment manager must consider—

- (a) the result of the assessment of that part of the development application that is not the variation request; and
- (b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and
- (c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and
- (d) any other matter prescribed by regulation.

(3) The assessment manager must decide—

- (a) to approve—
  - (i) all or some of the variations sought; or
  - (ii) different variations from those sought; or
- (b) to refuse the variations sought.

*Note—*

The part of a variation approval that approves variations is a local categorising instrument. Section 43(7) states limits on the variation approval as a categorising instrument.

## 4.2 Assessment Benchmarks Pertaining to State Planning Instruments

### State Planning Policy

The Townsville City Plan 2014 confirms in section 2.1 *State planning policy* that it has ministerial approval as having adequately integrated the *State Planning Policy* into the planning scheme. There are no stand-alone components of the State planning policy which are relevant to the assessment of this development application.

### Regional Plan

There are no applicable components of the North Queensland Regional Plan which apply to this development application with the proposed development considered to be consistent with the relevant regional strategies.

### State Development Assessment Provisions

Under Schedule 10 of the *Planning Regulation 2017*, the development application triggers referral agency involvement and direct assessment against the SDAPs as follows:

<i>Planning Regulation 2017 Trigger</i>	<i>Matters of Assessment</i>
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	State Development Assessment Provisions - <i>State code 1: Development in a state-controlled road environment</i>

### Assessment Benchmarks Summary

A summary of the relevant state level assessment benchmarks is provided in the table below:

<i>State Planning Instruments</i>	
SDAPS	State Development Assessment Provisions - <i>State code 1: Development in a state-controlled road environment</i>

Under Schedule 10 of the *Planning Regulation 2017*, the development application triggers referral agency involvement and direct assessment against the identified assessment benchmarks, as outlined in the table above. An assessment of the proposal against the relevant benchmark has been undertaken and provided in **Appendix 4**. While a direct assessment has been provided, the applicant also relies upon the assessment provided in section 5.2 below to adequately establish context and compliance with the State codes.

## 4.3 Assessment Benchmarks Pertaining to Local Planning Instruments

The applicable planning scheme for the application is the Townsville City Plan 2014. There are no other identified applicable local planning instruments.

### Townsville City Plan 2014

As a variation request, this development application is subject to an assessment against the planning scheme as a whole, as well as any other matter the assessment manager deems relevant.

A summary of the most relevant assessment benchmarks from the planning scheme are identified below:

- The strategic framework
- Major centre zone code
- Medium density residential zone code
- Airport environs overlay code
- Coastal environment overlay code
- Flood hazard overlay code

The development application has been assessed against each of the applicable local level assessment benchmarks and found to be consistent with the strategic framework, specifically the strategic intent, for the planning scheme. The pertinent issues arising from the assessment against the local level assessment benchmarks are discussed below.

#### 4.3.1 Strategic Framework

This development proposal to vary the existing zoning to accommodate future uses on the site which align with the Major centre zone is considered to align with the strategic framework of the planning scheme. This proposal is in response to the historic use of the site having not previously provided for residential uses and to align with the dominant zoning and dominant land use outcomes for the site and immediate locality.

Of particular note is recently issued development approval MCU23/0106, being a variation request to override the planning scheme on adjoining land at 31-33 Albany Road, Hyde Park. The application was combined with a reconfiguring a lot proposal and will establish use rights in accordance with a Plan of Development that generally seeks to establish industrial use rights and a mix of service and community facilities rights over land currently allocated within the Medium density residential zone and the Hyde Park medium density residential precinct, and the Major centre zone and Hyde Park major centre precinct. The introduction of industrial use rights into the same residential zoned footprint further undermines the continues residential zoning of the land. The proposal being put forward as part of this development application will also act to re-establish the dedicated Major centre zoned land lost as a result of MCU23/0106.

It is considered that the proposed variation aligns with the strategic framework particularly for the following reasons:

- The site is acknowledged as containing areas within the Medium density residential zone, but this does not prevent the assessment of alternative land use outcomes in response to site and locality specific characteristics and circumstances.
- It is put to council that the current zoning of the site is inconsistent with the historic use of the site, and creates conflict within the site with multiple zoning.
- Aligns the site to a single, dominant precinct – the Hyde Park major centre precinct, so that the site can better achieve outcomes of that precinct for the strategic intent of the planning scheme.
- Reflects community expectation for the dominant land use type on site.
- The Major centre zone and the Hyde Park major centre precinct maintains support for residential uses as mixed development with commercial and entertainment uses at the ground storey.
- The site is not identified as being susceptible to an unacceptable or unmanageable natural hazard or infrastructure constraints.
- The Major centre zone allows the site to better contribute to the achievement of the Strategic Framework.
- It is not uncommon for land use decisions to be inconsistent with a zoning designation in response to site specific circumstances which change over the life of a planning scheme.

There is a significant opportunity cost associated with not apply the variation request strategy for this site. This specific area of the site has historically provided non-residential uses. The proposal for these historical uses, or uses typical of the Major centre zone on the site within the Medium density residential zone would require the proponent to process individual code or in most cases impact assessable development applications for each separate use. Given the associated cost, timeframes and potential for submissions and appeals, it is unlikely that development of the site for these uses would occur. The opportunity cost would be a result of an addressable process inefficiency as opposed to any fundamental opposition to the land use rights themselves.

#### 4.3.2 Major Centre Zone Code

1. *The purpose of the Major centre zone code is to provide for a mix of uses and activities. It includes concentrations of higher order retail, commercial, offices, residential, administrative and health services, community, cultural and entertainment facilities and other uses capable of servicing a sub-region in the planning scheme area.*

Response - the proposed variation request will result the facilitation of retail, office, commercial and uses in a location which is directly adjacent other similar uses and is the highest and best uses for the site as demonstrated by the economics needs analysis. Furthermore, the proposal does not impact the future viability of similar zoned land which has been mostly developed in the immediate locality.

2. *The particular purpose of the code is to provide for a network of centres that are readily accessible, integrated and well-designed, form vibrant focal points for the community, and provide a mix and range of services and facilities that*

*are appropriate to their respective function and catchments. This promotes efficient provision of services and contributes to the quality of life, character and identity of communities.*

**Response** - the proposed variation request will result in the facilitation of a mix of commercial uses within the Hyde Park major centre precinct which is desired by the planning scheme.

- The subject site currently contains areas of the Hyde Park major centre precinct.
  - The site will be co-located with the surrounding centre uses.
  - The site can utilise the existing infrastructure and services present on site to support the expansion of centre uses.
  - Historically, the site area within the medium density residential zone has not contained residential uses, has previously contained a Service station use, and currently contains an Outdoor sales use.
  - These historical uses align closer to the Major centre zone than the existing zone for Medium density residential zone.
  - As the site has previously contained a service station, it is included on the Environmental Management Register, and the use is considered a notifiable activity or contributes to hazardous contaminant. See attached Contaminated Land Search Response in **Appendix 5**.
  - As the site is listed on the Environmental Management Register, it is recognised that the site is likely to be contaminated, and may not be suitable for residential use.
3. *The purpose of the zone will be achieved through the following overall outcomes:*
- (a) *Hyde Park, Aitkenvale, Thuringowa Central and the future Julago and Burdell major centres act as the most significant centres for the Townsville community after the principal centre (CBD). They service sub-regional catchments and do not compromise the intended role or successful functioning of other major centres or the CBD;*
  - (b) *Editor's note—The Julago and Burdell areas are included in the Emerging community zone. The future major centre at Burdell is planned within the North Shore area.*
  - (c) *these centres operate as major multifunctional community hubs. They contain the highest order of community, retail and office based functions after the principal centre (CBD), including sub-regional level services such as theatres, major libraries and community centres and health and educational facilities. However, they do not contain any additional department stores;*
  - (d) *major centres evolve as vibrant mixed use places where people live, work and play in a high density environment which is active both during the day and night-time and includes residential uses;*
  - (e) *major centres are highly accessible by walking and cycling from surrounding medium density residential areas;*
  - (f) *major centres become a hub for major public transport routes providing frequent services to other parts of the city, and development facilitates convenient access to public transport facilities as a priority;*
  - (g) *showrooms occur within the major centres, but are generally located and designed so that they do not detract from the intended built form, pedestrian focus and accessibility;*
  - (h) *centre design and built form creates a walkable and legible pedestrian-focussed environment, with a range of connected, safe and pleasant public spaces forming community focal points. Public spaces and primary pedestrian circulation streets are activated by shop fronts, awnings and kerbside activities;*
  - (i) *the height and scale of buildings reinforce the character, legibility and accessibility of the centre. Centres predominantly contain medium-rise buildings. However, a human scale and attractive, pedestrian friendly environment is created at street level;*
  - (j) *centres are designed to create a desirable interface with surrounding neighbourhoods, providing for attractive streetscapes and transitioning of building form and scale and minimising potential land use conflicts; and*
  - (k) *opportunities for energy efficiency through built form are maximised.*

**Response** - the proposed variation request will result in the facilitation of a mix of commercial uses within the Hyde Park major centre precinct which is desired by the planning scheme. This will facilitate appropriate land use which is easily accessible and complimentary to the surrounding land uses which are predominantly commercial. Furthermore, it will facilitate the transition of undeveloped land to functional commercial development, which is a more compatible and desired land use for the locality. It is noted that the transition of the subject site to a Major centre zoning can be readily supported by existing infrastructure.

4. *The purpose of the zone will also be achieved through the following additional overall outcomes for particular precincts and sub-precincts:*

*Hyde Park major centre precinct:*

- (a) the Hyde Park major centre contains an increasing diversity of business activities and community services. However, a department store is not located within this centre, and no significant expansion of showroom based floor space is intended;*
- (b) residential and office uses are accommodated in mixed use developments, with shopping or entertainment uses at the ground storey;*
- (c) development facilitates improved integration with surrounding residential and activity areas, including the showgrounds. Wherever possible, the interface with the lake is enhanced and opportunities for recreational use improved;*
- (d) Virgil and Dillane Streets are established as primary linkages to new infill residential development within the Hyde Park medium density precinct. Virgil Street becomes the major east-west pedestrian thoroughfare for the locality;*
- (e) development provides for appropriate immunity to flooding and drainage characteristics; and*
- (f) development facilitates improved public transport, pedestrian and cyclist connectivity to the principal centre (CBD), particularly along Woolcock Street.*

Response – as the variation request seeks to change the applicable zoning of the site to the Major centre zone, and the site contains areas of the Hyde Park major centre precinct, it is considered that the precinct would expand to cover the entirety of the site, removing the Hyde Park medium density precinct from the site. Within this precinct, a mix of uses are encouraged, including commercial, entertainment, office and residential uses. Development of the vacant portion of the site will contribute to the enhancement of interfacing with the lake for recreational use and further support public transport, pedestrian and cyclist connectivity around the locality.

Accordingly, the proposed variation request is considered to satisfy the overall outcomes and purpose of the Major centre zone code which supports the conclusion of the economic needs assessment that it is appropriate that the subject site be zoned Major centre zone. It is noted that any future use on the site will be required to satisfy the codes and policies applicable to Accepted Development and Assessable Development in accordance with the Major centre zone which is being sought through this variation request and it is considered that such uses will appropriately conform.

#### **4.3.3 Development Codes**

The proposal involves no new building works or site works as part of the variation request. As such, there are no changes or impacts on matters relating to stormwater drainage, landscaping, parking, access or site services and utilities.

Accordingly, the development is able to objectively satisfy the outcomes and purpose of these development codes. Given the extent to which the proposal objectively satisfies the codes, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance. It is noted that any future use on the site will be required to satisfy the codes and policies applicable to Accepted Development and Assessable Development in accordance with the Major centre zone which is being sought through this variation request.

#### **4.3.4 Overlay Codes**

Given the fact that this proposal is a variation request relating to future use rights (meaning there are no building or site works approvals being sought) there is no need to consider these assessment benchmarks. It is noted that any future use on the site will be required to satisfy the codes and policies applicable to Accepted Development and Assessable Development in accordance with the Medium density zone which is being sought through this variation request. It is considered that any future uses on the site will demonstrate necessary compliance with this overlay code.

#### **4.4 Public Notification**

The application is impact assessable and will be subject to the public notification requirements under the *Planning Act 2016* and in accordance with the *Development Assessment Provisions*.

## 5.0 CONCLUSION

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act) and is seeking a preliminary approval for a *variation request* under section 50 of the Act. The variation being sought is for use rights in accordance with the Major centre zone, overriding the Townsville City Plan 2014. This variation is in direct response to demonstrated historical use and opportunity in the area, and in the interest of furthering the strategic intent of the planning scheme by achieving the highest and best use of land in response to social, economic and environmental factors.

An assessment of the proposal was undertaken against the applicable assessment benchmarks which confirms that it is consistent with the provisions of the applicable planning instruments, specifically the strategic framework for the planning scheme. It is therefore recommended that Council **approve** the development application by delegated authority and issue a development permit subject to the imposition of reasonable and relevant conditions.

### STATEMENT OF REASONS

Subject to the imposition of reasonable and relevant conditions, the development is able to comply with the following applicable assessment benchmarks against which the application was required to be assessed.

Sufficient justification has been provided and satisfactory grounds have been established to conclude that the variation request remains consistent with the strategic intent and overall outcomes of the planning scheme based on the following reasons:

1. The site is acknowledged as containing areas of the Medium density residential zone, but this does not prevent the assessment of alternative land use outcomes in response to site and locality specific characteristics and circumstances.
2. It is put to council that the site is in conflict having multiple zones, and that having a single, dominant zone over the entirety of the site would allow the site to more effectively provide development outcomes further aligned to the strategic intent of the planning scheme.
3. Historically, the site has not contained residential uses.
4. Development for uses aligned to the Major centre zone can utilise existing infrastructure on site that has been designed for the existing on site centre uses.
5. Reflects community expectation for the predominant land use type in the greater immediate locality.
6. The site may contain contaminated land from previous use that constrains the use of the site for residential use.
7. The variation reflects the highest and best use of the site.
8. The site is not identified as being susceptible to an unacceptable or unmanageable natural hazard or infrastructure constraints.
9. It is not uncommon for land use decisions to be inconsistent with a zoning designation in response to site specific circumstances which change over the life of a planning scheme.

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# APPENDIX 1

## *DEVELOPMENT APPLICATION FORMS*

# DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

**Note:** All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Woolcock ST Investments PTY LTD C/- BNC Planning
Contact name (only applicable for companies)	Benjamin Collings
Postal address (P.O. Box or street address)	PO Box 5493
Suburb	Townsville
State	QLD
Postcode	4810
Country	Australia
Contact number	(07) 4724 1763 or 0438 789 612
Email address (non-mandatory)	enquire@bncplanning.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	DA064-24

### 2) Owner's consent

#### 2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application  
 No – proceed to 3)



## PART 2 – LOCATION DETAILS

### 3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

**Note:** Provide details below and attach a site plan for any or all premises part of the development application. For further information, see DA Forms Guide: Relevant plans.

#### 3.1) Street address and lot on plan

- Street address **AND** lot on plan (all lots must be listed), **or**  
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		36-48	Kings Road	Hyde Park
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4812	1	RP742540	Townsville
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

#### 3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

**Note:** Place each set of coordinates in a separate row.

- Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

- Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

#### 3.3) Additional premises

- Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application  
 Not required

#### 4) Identify any of the following that apply to the premises and provide any relevant details

- In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

- On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

<input checked="" type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text" value="EMR Site Id: 13964"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

**5) Are there any existing easements over the premises?**  
*Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).*

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

**6.1) Provide details about the first development aspect**

a) What is the type of development? *(tick only one box)*

Material change of use     Reconfiguring a lot     Operational work     Building work

b) What is the approval type? *(tick only one box)*

Development permit     Preliminary approval     Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment     Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Variation request – Use rights in accordance with major centre zone provisions.

e) Relevant plans  
*Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

Relevant plans of the proposed development are attached to the development application

**6.2) Provide details about the second development aspect**

a) What is the type of development? *(tick only one box)*

Material change of use     Reconfiguring a lot     Operational work     Building work

b) What is the approval type? *(tick only one box)*

Development permit     Preliminary approval     Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment     Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans  
*Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

Relevant plans of the proposed development are attached to the development application

**6.3) Additional aspects of development**

Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

Not required

## Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

### Division 1 – Material change of use

**Note:** This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m <sup>2</sup> ) <i>(if applicable)</i>
Use rights in accordance with major centre zone provisions.	NA	NA	NA

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> No	

### Division 2 – Reconfiguring a lot

**Note:** This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	

9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i>	
<input type="checkbox"/> Subdivision <i>(complete 10)</i>	<input type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i>
<input type="checkbox"/> Boundary realignment <i>(complete 12)</i>	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i>

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below	
<input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

### Division 3 – Operational work

**Note:** This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

## PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Townsville City Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

## PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

**Note:** A development application will require referral if prescribed by the Planning Regulation 2017.

No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure-related referrals – designated premises
- Infrastructure-related referrals – state transport infrastructure
- Infrastructure-related referrals – State transport corridor and future State transport corridor
- Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure-related referrals – near a state-controlled road intersection
- Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- Koala habitat in SEQ region – key resource areas
- Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- Ports – Brisbane core port land – environmentally relevant activity (ERA)
- Ports – Brisbane core port land – tidal works or work in a coastal management district
- Ports – Brisbane core port land – hazardous chemical facility
- Ports – Brisbane core port land – taking or interfering with water
- Ports – Brisbane core port land – referable dams
- Ports – Brisbane core port land – fisheries
- Ports – Land within Port of Brisbane’s port limits (*below high-water mark*)
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- SEQ northern inter-urban break – tourist activity or sport and recreation activity
- SEQ northern inter-urban break – community activity
- SEQ northern inter-urban break – indoor recreation
- SEQ northern inter-urban break – urban activity
- SEQ northern inter-urban break – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – levees (*category 3 levees only*)
- Wetland protection area

<b>Matters requiring referral to the local government:</b> <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA has been devolved to local government)</i> <input type="checkbox"/> Heritage places – Local heritage places
<b>Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:</b> <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
<b>Matters requiring referral to:</b> <ul style="list-style-type: none"> <li>• The <b>Chief Executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul> <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
<b>Matters requiring referral to the Brisbane City Council:</b> <input type="checkbox"/> Ports – Brisbane core port land
<b>Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994:</b> <input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i> <input type="checkbox"/> Ports – Strategic port land
<b>Matters requiring referral to the relevant port operator, if applicant is not port operator:</b> <input type="checkbox"/> Ports – Land within Port of Brisbane’s port limits <i>(below high-water mark)</i>
<b>Matters requiring referral to the Chief Executive of the relevant port authority:</b> <input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
<b>Matters requiring referral to the Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
<b>Matters requiring referral to the Queensland Fire and Emergency Service:</b> <input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

<b>18) Has any referral agency provided a referral response for this development application?</b>		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application <i>(if applicable)</i> .		

## PART 6 – INFORMATION REQUEST

<b>19) Information request under Part 3 of the DA Rules</b>
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application
<b>Note:</b> <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i> <ul style="list-style-type: none"> <li>• <i>that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</i></li> <li>• <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i></li> </ul> <i>Further advice about information requests is contained in the <a href="#">DA Forms Guide</a>.</i>

## PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No

23) Further legislative requirements			
<u>Environmentally relevant activities</u>			
23.1) Is this development application also taken to be an application for an environmental authority for an <b>Environmentally Relevant Activity (ERA)</b> under section 115 of the <i>Environmental Protection Act 1994</i> ?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at <a href="http://www.qld.gov.au">www.qld.gov.au</a>. An ERA requires an environmental authority to operate. See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information.</i>			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			
<u>Hazardous chemical facilities</u>			
23.2) Is this development application for a <b>hazardous chemical facility</b> ?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information about hazardous chemical notifications.</i>			

### **Clearing native vegetation**

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- No

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.  
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### **Environmental offsets**

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

### **Koala habitat in SEQ Region**

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

**Note:** If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Water resources**

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

- Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

### **Waterway barrier works**

23.7) Does this application involve **waterway barrier works**?

- Yes – the relevant template is completed and attached to this development application
- No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

### **Marine activities**

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

- Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
- No

**Note:** See guidance materials at [www.daf.qld.gov.au](http://www.daf.qld.gov.au) for further information.



### **Quarry materials from a watercourse or lake**

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
 No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

### **Quarry materials from land under tidal waters**

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
 No

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Referable dams**

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application  
 No

**Note:** See guidance materials at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

### **Tidal work or development within a coastal management district**

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- Yes – the following is included with this development application:
- Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
  - A certificate of title
- No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Queensland and local heritage places**

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- Yes – details of the heritage place are provided in the table below  
 No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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### **Brothels**

23.14) Does this development application involve a **material change of use for a brothel**?

- Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*  
 No

### **Decision under section 62 of the Transport Infrastructure Act 1994**

23.15) Does this development application involve new or changed access to a state-controlled road?

- Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)  
 No

### Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

- Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
- No

**Note:** See guidance materials at [www.planning.dsdmip.qld.gov.au](http://www.planning.dsdmip.qld.gov.au) for further information.

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17	<input checked="" type="checkbox"/> Yes
<b>Note:</b> See the <i>Planning Regulation 2017</i> for referral requirements	
If building work is associated with the proposed development, Parts 4 to 6 of <a href="#">DA Form 2 – Building work details</a> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application	<input checked="" type="checkbox"/> Yes
<b>Note:</b> This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see <a href="#">DA Forms Guide: Planning Report Template</a> .	
Relevant plans of the development are attached to this development application	<input checked="" type="checkbox"/> Yes
<b>Note:</b> Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a> .	
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

### 25) Applicant declaration

- By making this development application, I declare that all information in this development application is true and correct
- Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

**Note:** It is unlawful to intentionally provide false or misleading information.

**Privacy** – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

**PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY**

Date received:  Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

**Landowners consent to the making of a development application under the *Planning Act 2016***

I, ANDREW WHITSON Director

The delegate representative of WOOLCOCK STREET INVESTMENTS PTY LTD, being the owner of the premises identified as follows:

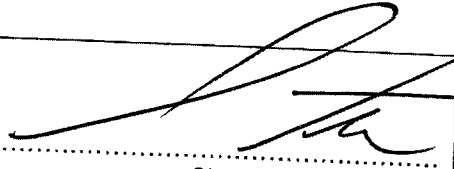
36-48 Kings Road HYDE PARK QLD 4812  
Lots 3-5 on RP710028 & Lot 1 on RP742540

consent to the making of a development application under the *Planning Act 2016* by:

BNC Planning Pty Ltd

on the premises described above for:

Material Change of Use (Variation Request)

  
.....  
Signature of Delegate  
21/6/24  
.....  
Date

---

# APPENDIX 2

## *SITE DETAILS*

# Aerial

36-48 Kings Road, Hyde Park 4812

19°16'8"S 146°47'31"E

19°16'8"S 146°47'56"E

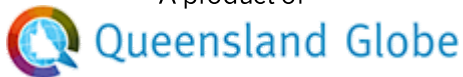


19°16'31"S 146°47'31"E

19°16'31"S 146°47'56"E

A product of

Legend located on next page



0 100 metres

Scale: 1:3779

Printed at: A4

Print date: 30/5/2024

Not suitable for accurate measurement.  
Projection: Web Mercator EPSG 102100 (3857)

For more information, visit  
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>



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Version: 1, Version Date: 26/06/2024

# Aerial

36-48 Kings Road, Hyde Park 4812

## Legend

## Attribution

### Land parcel

 Parcel

### Land parcel - gt 1 ha

 Parcel

### Land parcel - gt 10 ha

 Parcel

### Easement parcel



### Strata parcel



### Volumetric parcel



### Land parcel - gt 1000 ha

 Parcel

### Land parcel label

### Land parcel label - gt 1 ha

### Land parcel label - gt 10 ha

### Land parcel label - gt 1000 ha

### Places: Land parcel

 1RP742540

### Cities and Towns



### Roads and tracks

 Motorway

 Highway

 Secondary

 Connector

 Local

 Restricted Access Road

 Mall

 Busway

 Bikeway

 Restricted Access Bikeway

 Walkway

 Restricted Access Walkway

 Non-vehicular Track

 Track

 Restricted Access Track

 Ferry

 Proposed Thoroughfare

Maxar

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Green bridges



Bridges



Tunnels



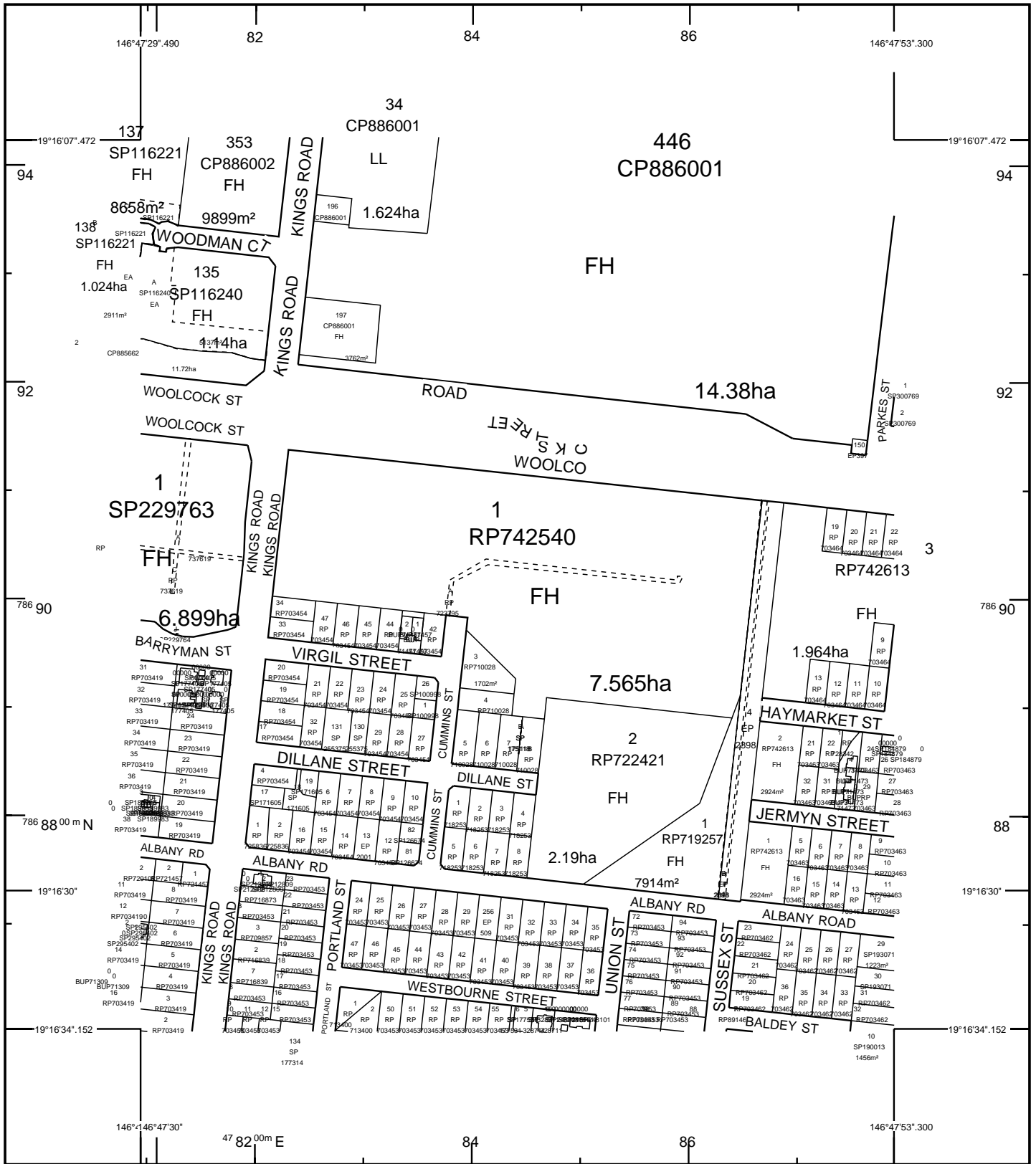
Railway



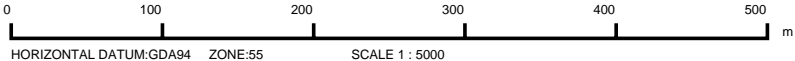
Railway station





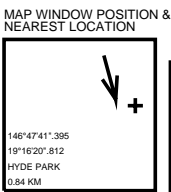


STANDARD MAP NUMBER  
8259-24413



**SmartMap**

An External Product of  
SmartMap Information Services  
Based upon an extraction from the  
Digital Cadastral Data Base



**SUBJECT PARCEL DESCRIPTION**

DCDB	1/RP742540
Lot/Plan	7.565ha
Area/Volume	FREEHOLD
Tenure	TOWNSVILLE CITY
Local Government	HYDE PARK
Locality	50709/14
Segment/Parcel	

**CLIENT SERVICE STANDARDS**

PRINTED 04/06/2024  
DCDB 03/06/2024

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Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b> 21288053	<b>Search Date:</b> 26/06/2024 10:38
<b>Date Title Created:</b> 06/10/1987	<b>Request No:</b> 48464210
<b>Previous Title:</b> 21068091, 21068092	

**ESTATE AND LAND**

Estate in Fee Simple

LOT 1 REGISTERED PLAN 742540  
Local Government: TOWNSVILLE

**REGISTERED OWNER**

WOOLCOCK ST INVESTMENTS PTY LTD TRUSTEE  
UNDER INSTRUMENT T636807P

**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 10287170 (POR 1A)  
Deed of Grant No. 20800246 (POR 449)
2. EASEMENT IN GROSS No 601311283 (N631323) 23/09/1970  
BURDENING THE LAND  
TO COUNCIL OF THE CITY OF TOWNSVILLE  
OVER EASEMENT A ON RP23795
3. MORTGAGE No 601311318 (T636810E) 02/11/1992  
TO NATIONAL AUSTRALIA BANK LIMITED
4. LEASE No 705457794 08/03/2002 at 10:51  
J.G. & R.E. BARNES PTY LTDR A.C.N. 010 553 189  
PART OF THE GROUND FLOOR
5. AMENDMENT OF LEASE No 710106988 17/11/2006 at 10:04  
LEASE: 705457794  
TERM: 16/09/2001 TO 15/09/2011 OPTION 5 YEARS
6. LEASE No 721667574 06/05/2022 at 10:16  
BNG SPORTS PTY LTD A.C.N. 147 653 656  
OF PART OF THE GROUND FLOOR (SHOP 1)  
TERM: 01/04/2019 TO 31/03/2024 OPTION 5 YEARS
7. LEASE No 722079182 02/11/2022 at 13:36  
KINGS ROAD VETERINARY SURGERY PTY LTD A.C.N. 609 596 910  
OF PART OF THE GROUND FLOOR (SHOP 3)  
TERM: 01/02/2021 TO 31/01/2026 OPTION 5 YEARS
8. AMENDMENT OF LEASE No 722079212 02/11/2022 at 13:37  
LEASE: 722079182  
TERM: 01/02/2021 TO 31/01/2026 OPTION 5 YEARS

**ADMINISTRATIVE ADVICES**

NIL

**UNREGISTERED DEALINGS**

NIL

Corrections have occurred - Refer to Historical Search  
Caution - Charges do not necessarily appear in order of priority

<b>Title Reference:</b>	<b>21288053</b>
-------------------------	-----------------

\*\* End of Current Title Search \*\*



Department of Environment, Science and Innovation (DESI)  
ABN 46 640 294 485  
GPO Box 2454, Brisbane QLD 4001, AUSTRALIA  
www.des.qld.gov.au

**SEARCH RESPONSE**  
**ENVIRONMENTAL MANAGEMENT REGISTER (EMR)**  
**CONTAMINATED LAND REGISTER (CLR)**

Sai Santoso-Miller C/- BNC Planning  
PO Box 5493  
Townsville City QLD 4810

Transaction ID: 50937944      EMR Site Id: 13964      31 May 2024  
Client Reference:  
Cheque Number:

This response relates to a search request received for the site:  
Lot: 1      Plan: RP742540

**EMR RESULT**

The above site IS included on the Environmental Management Register.

Lot: 1      Plan: RP742540  
Address: KING STREET  
TOWNSVILLE 4812

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.  
SERVICE STATIONS - operating a commercial service station.

**CLR RESULT**

The above site is NOT included on the Contaminated Land Register.

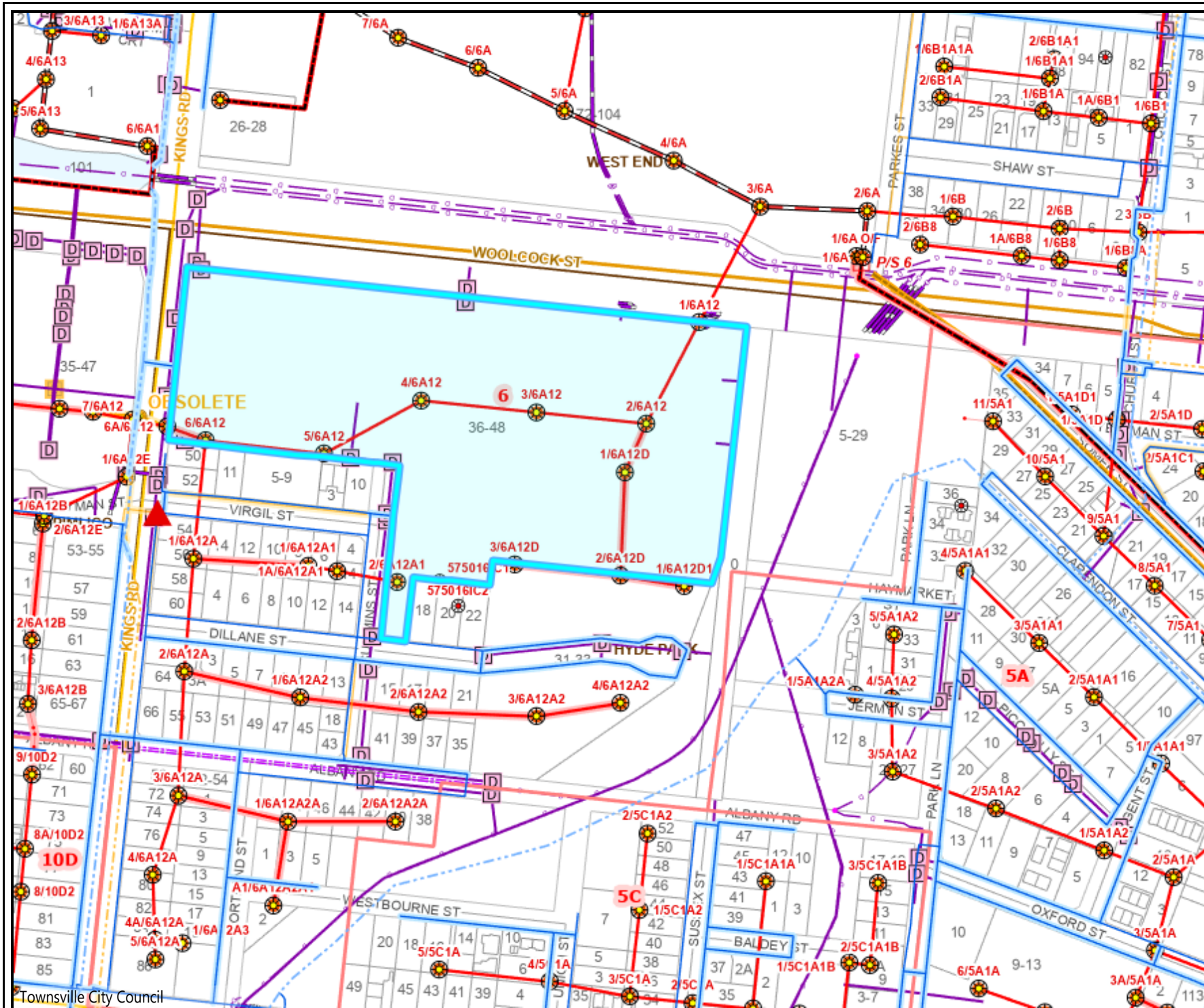
**ADDITIONAL ADVICE**

All search responses include particulars of land listed in the EMR/CLR when the search was generated.  
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DESI has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DESI has not been notified

If you have any queries in relation to this search please email [emr.clr.registry@des.qld.gov.au](mailto:emr.clr.registry@des.qld.gov.au)

**Administering Authority**

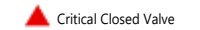


# Servicing

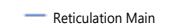
## Legend

EXT\_Asset\_Water

Water - Critical Valve



Water - Water Main



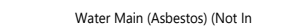
Water - Water Main (Asbestos)



Water - Water Main (Not In Use)

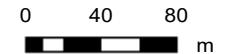


Water - Water Main (Asbestos) (Not In Use)



EXT\_Asset\_Wastewater

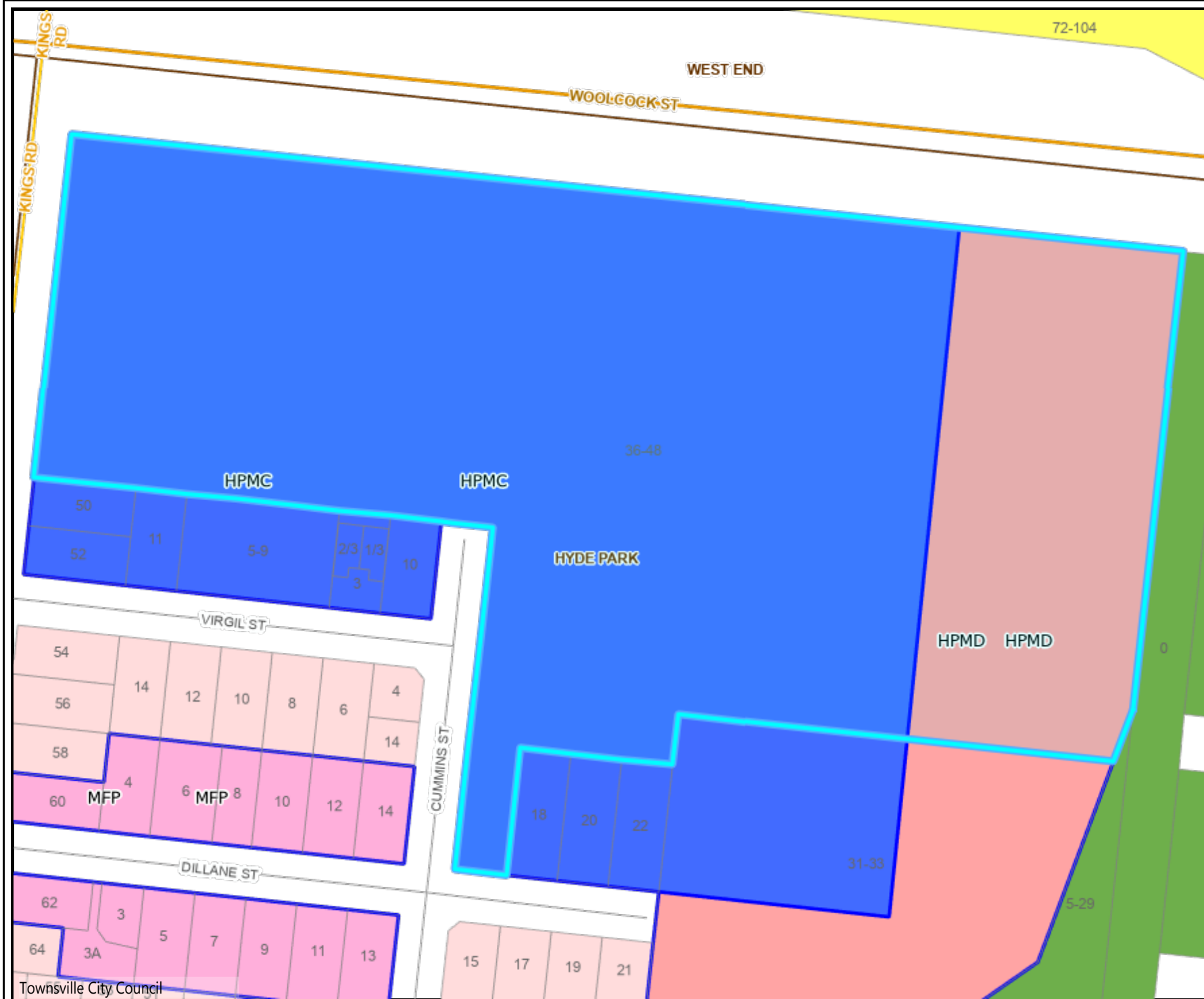
WasteWater - Maintenance Hole



Scale 1: 4000

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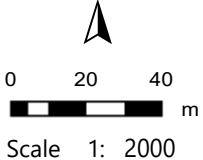




# Zoning

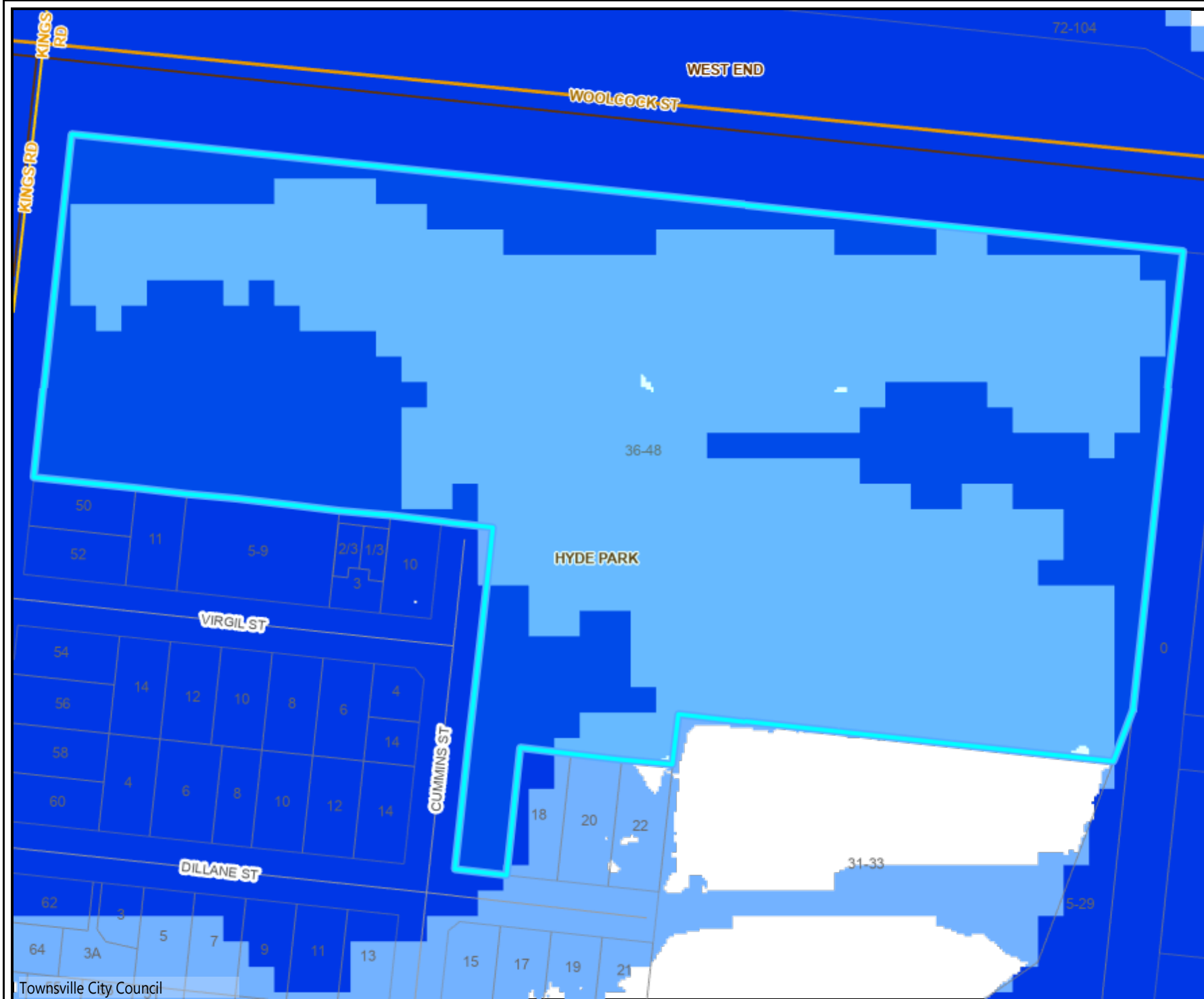
## Legend

- EXT\_CORE
- CORE - Properties
  - Properties
- CORE - Road Corridor Centreline
  - Main Road
  - Secondary Road
  - Trafficable Road
- CORE - Suburbs
  - Suburbs
- EXT\_CityPlanningScheme\_Current
- Precincts Labels
- Zone Precinct Boundary
- Zoning
  - Low density residential
  - Medium density residential



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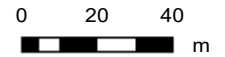




# Coastal Environment Overlay

## Legend

- EXT\_CORE
- CORE - Properties
  - Properties
- CORE - Road Corridor Centreline
  - Main Road
  - Secondary Road
  - Trafficable Road
- CORE - Suburbs
  - Suburbs
- EXT\_CityPlanningScheme\_Current
- Stormtide inundation areas (OM-03.1)
  - High hazard
  - Medium hazard



Scale 1: 2000

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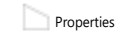


# Flood Hazard Overlay

## Legend

EXT\_CORE

CORE - Properties



CORE - Road Corridor Centreline

Main Road

Secondary Road

Trafficable Road

CORE - Suburbs



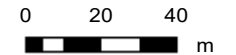
EXT\_CityPlanningScheme\_Current

Flood hazard overlay (OM-06.1)

High hazard area

Medium hazard area

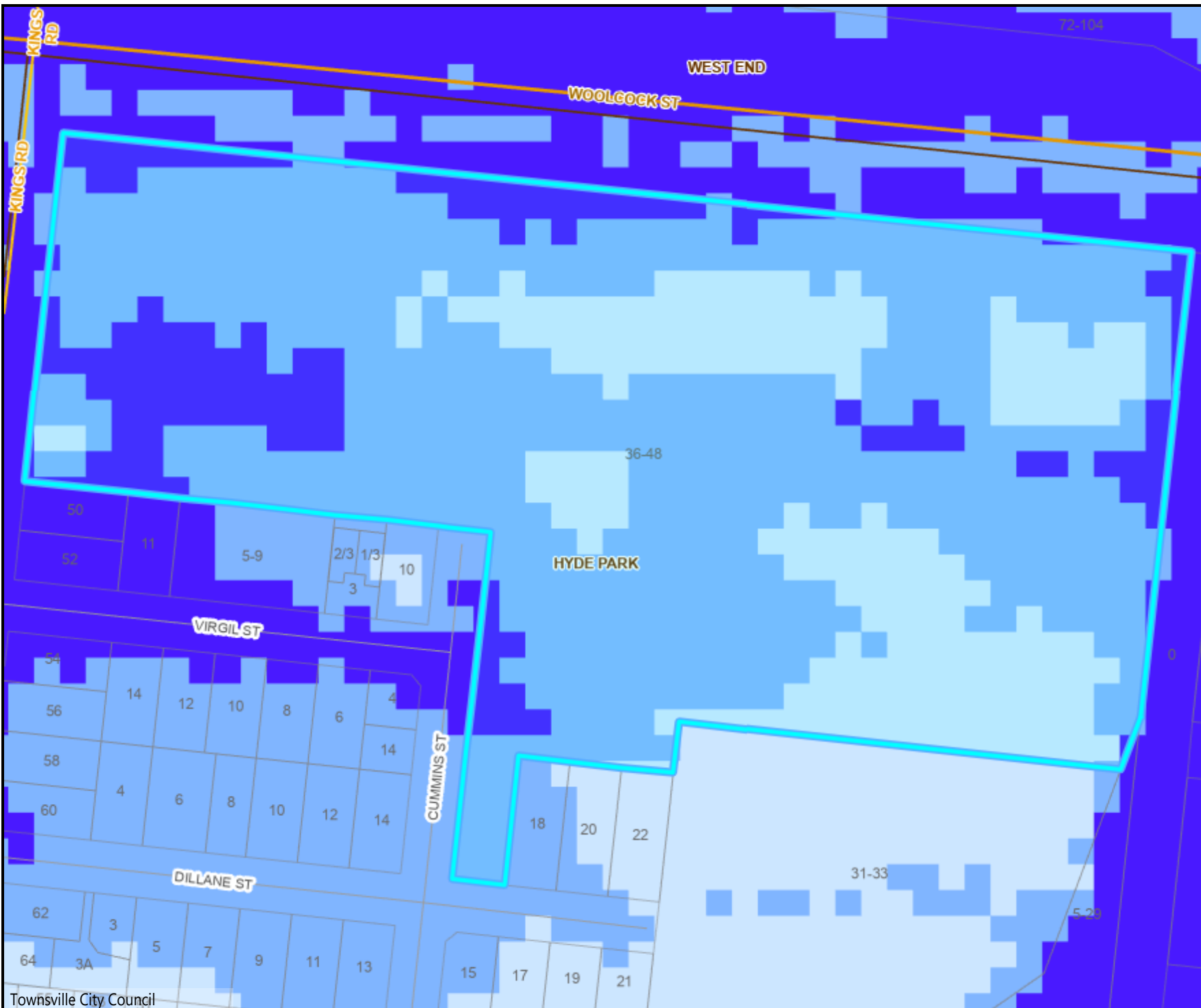
Low hazard area



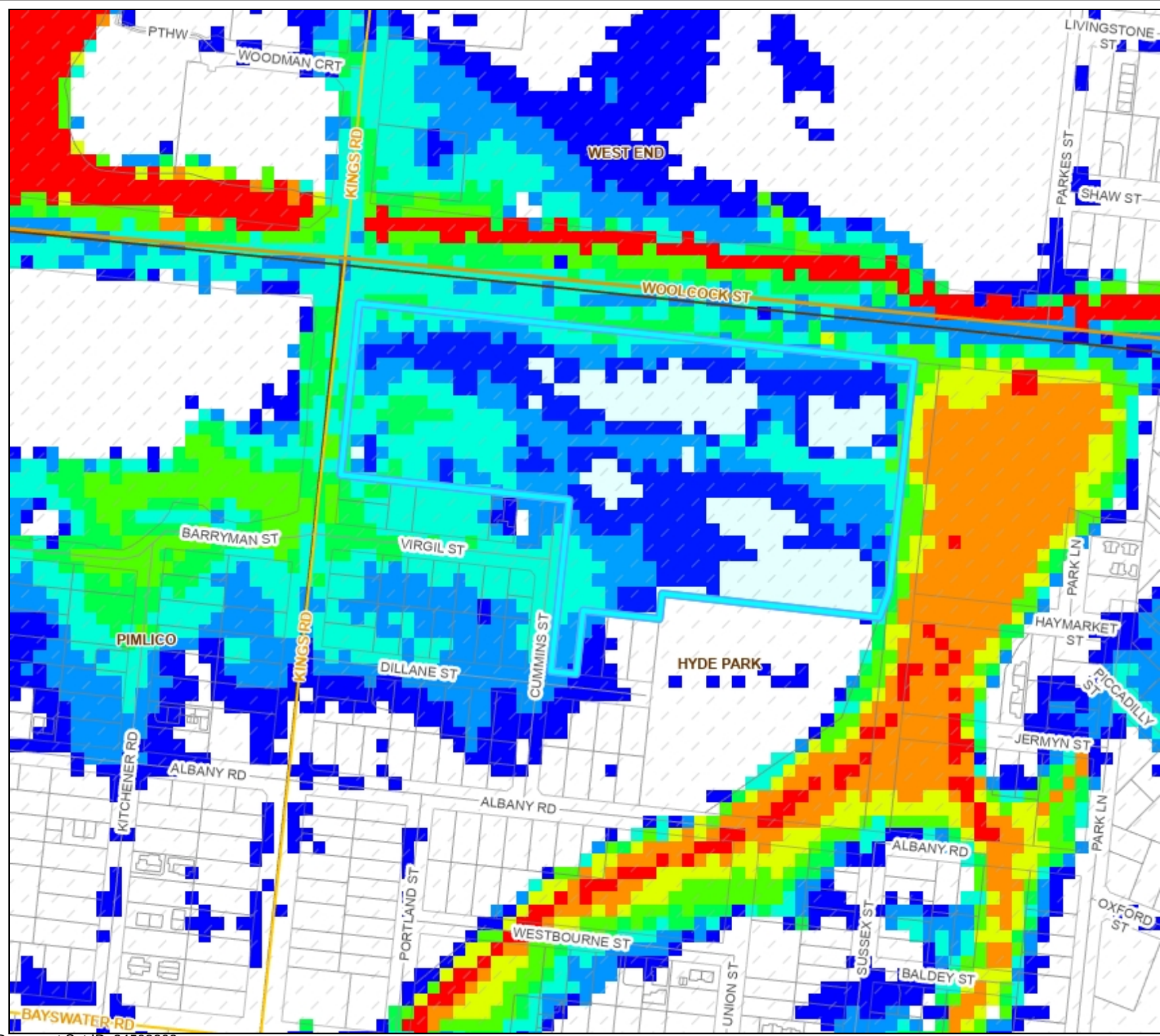
Scale 1: 2000

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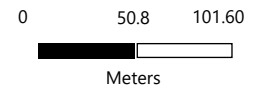






**Legend**

- Properties
  - Suburbs
  - November 2014 to Present
- FLOOD STUDY AREAS**
- 1% AEP Height
  - 2% AEP Height
- WATER HEIGHT (1:250 - 1:5000)**
- Water Depth: 0.01 - 0.3m
  - Water Depth: 0.3 - 0.5m
  - Water Depth: 0.5 - 0.75m
  - Water Depth: 0.75 - 1.0m
  - Water Depth: 1.0 - 1.5m
  - Water Depth: 1.5 - 2.0m
  - Water Depth: 2.0 - 3.0m
  - Water Depth: 3.0 - 25.0m
  - Water Depth: 3.0 - 25.0m



Date: 30/5/2024 12:18 PM  
 Scale: 1: 4,000

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**DISCLAIMER:** Visible Scale - 1: 250 - 1 :5,000. The flooding contained in this map does not in itself indicate whether any particular property has or has not been affected by floods. The flooding information depicted shows inundation resulting from rainfall of river flows resulting from rainfall and does not include inundation due to Storm Tide. The council considers that the information presented in the map is the best available at the time of preparation. However the modelling results contained in this map are based upon projections, assumptions and analysis is about circumstances that may not eventuate, or may eventuate in different combinations and with different outcomes. Because of that, the information in the map is not provided with the intention that persons will rely upon its accuracy or completeness for the purpose of making decisions with financial or legal implications. Neither the council nor its officers will be liable in contract, negligence or otherwise for the consequences of any deficiency, inaccuracy or error in the map or for the consequences of any person relying upon the map. The Flood Study Areas layer indicates the date of the flood study that has generated the flood map data. Infrastructure constructed since the completion of a flood study has the potential to alter flood levels and extents to those shown.



# State Assessment and Referral Agency

Date: 30/05/2024

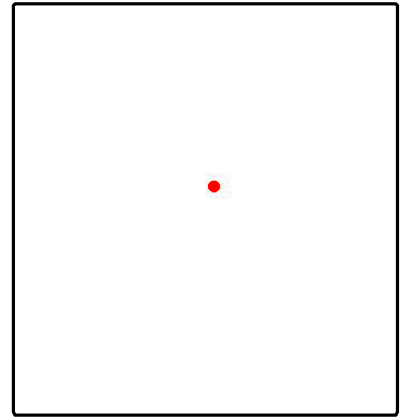


Queensland Government

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## Matters of Interest for all selected Lot Plans

*Coastal area - erosion prone area*  
*Coastal area - medium storm tide inundation area*  
*Coastal area - high storm tide inundation area*  
*State-controlled road*  
*Area within 25m of a State-controlled road*

## Matters of Interest by Lot Plan

**Lot Plan: 1RP742540 (Area: 75650 m<sup>2</sup>)**  
*Coastal area - erosion prone area*  
*Coastal area - medium storm tide inundation area*  
*Coastal area - high storm tide inundation area*  
*State-controlled road*  
*Area within 25m of a State-controlled road*



## State Assessment and Referral Agency


Date: 30/05/2024

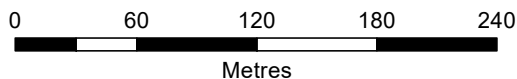


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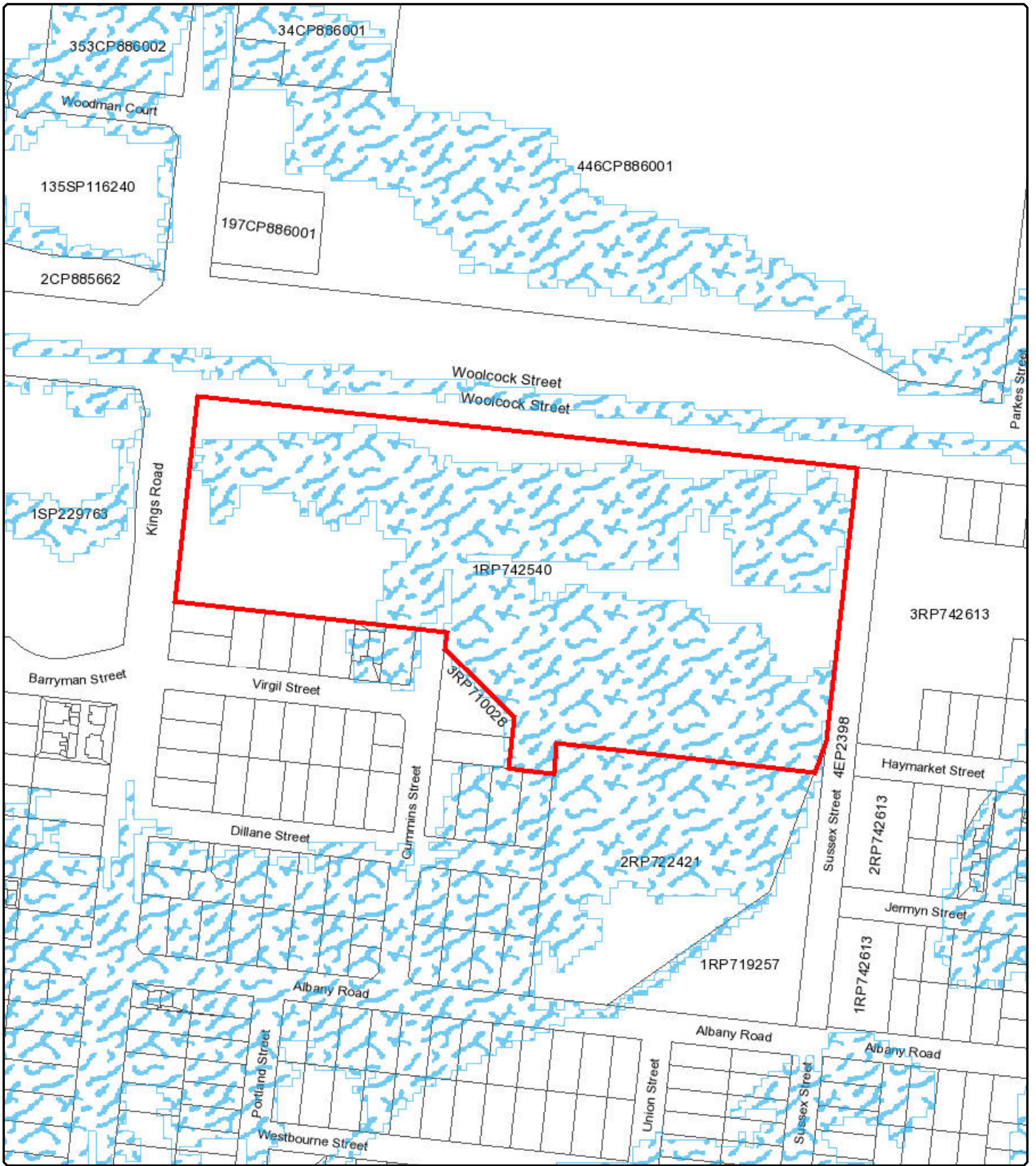
### Legend

- Coastal area - high storm tide inundation area
-  Coastal area - high storm tide inundation area



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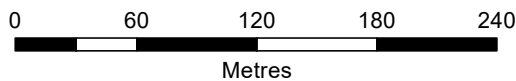
Queensland Government

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### Legend

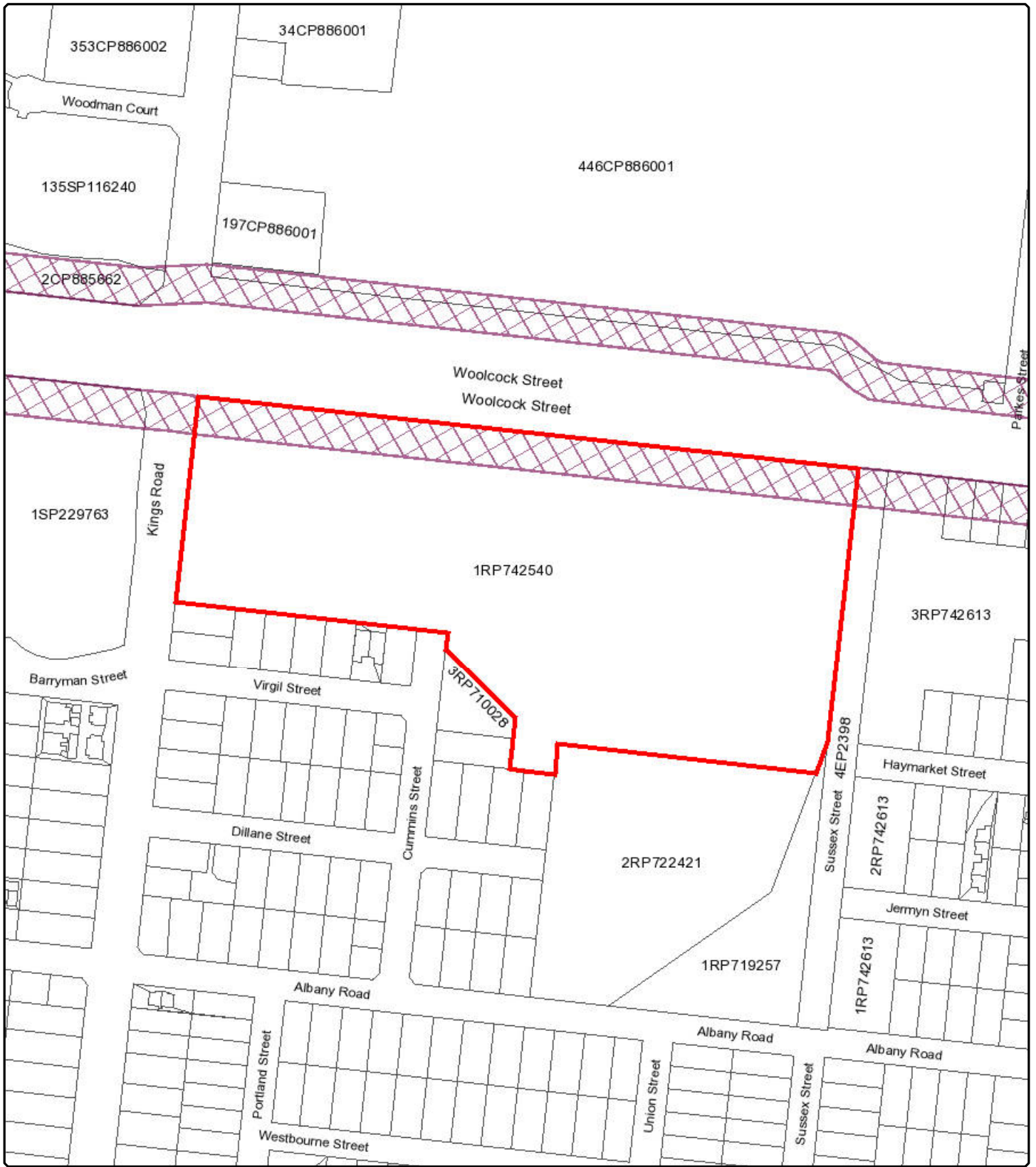
Coastal area - medium storm tide inundation area

 Coastal area - medium storm tide inundation area



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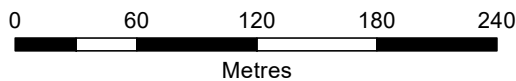
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### Legend

Area within 25m of a State-controlled road

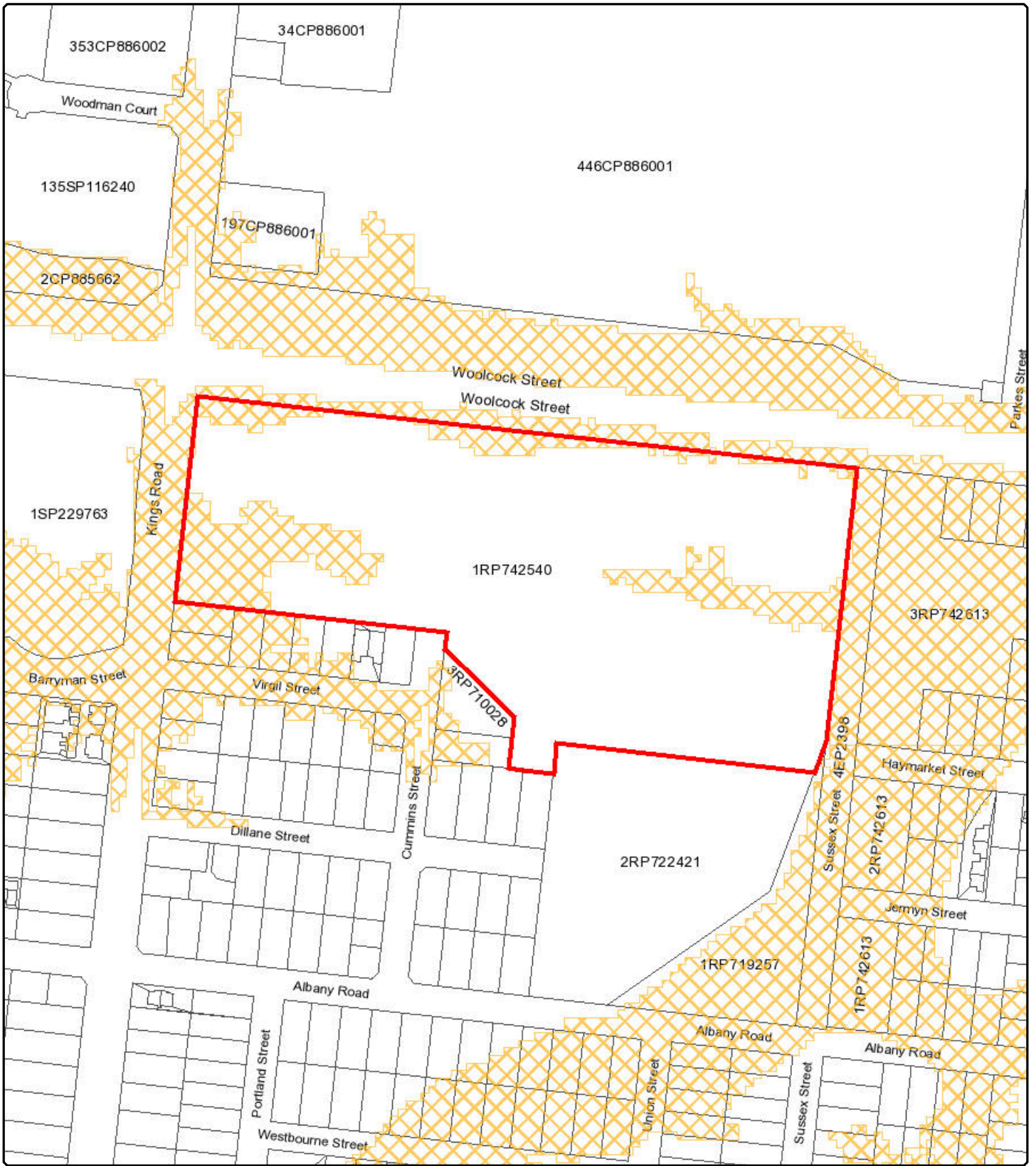


Area within 25m of a State-controlled road



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Date: 30/05/2024




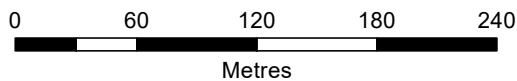
Queensland Government

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### Legend

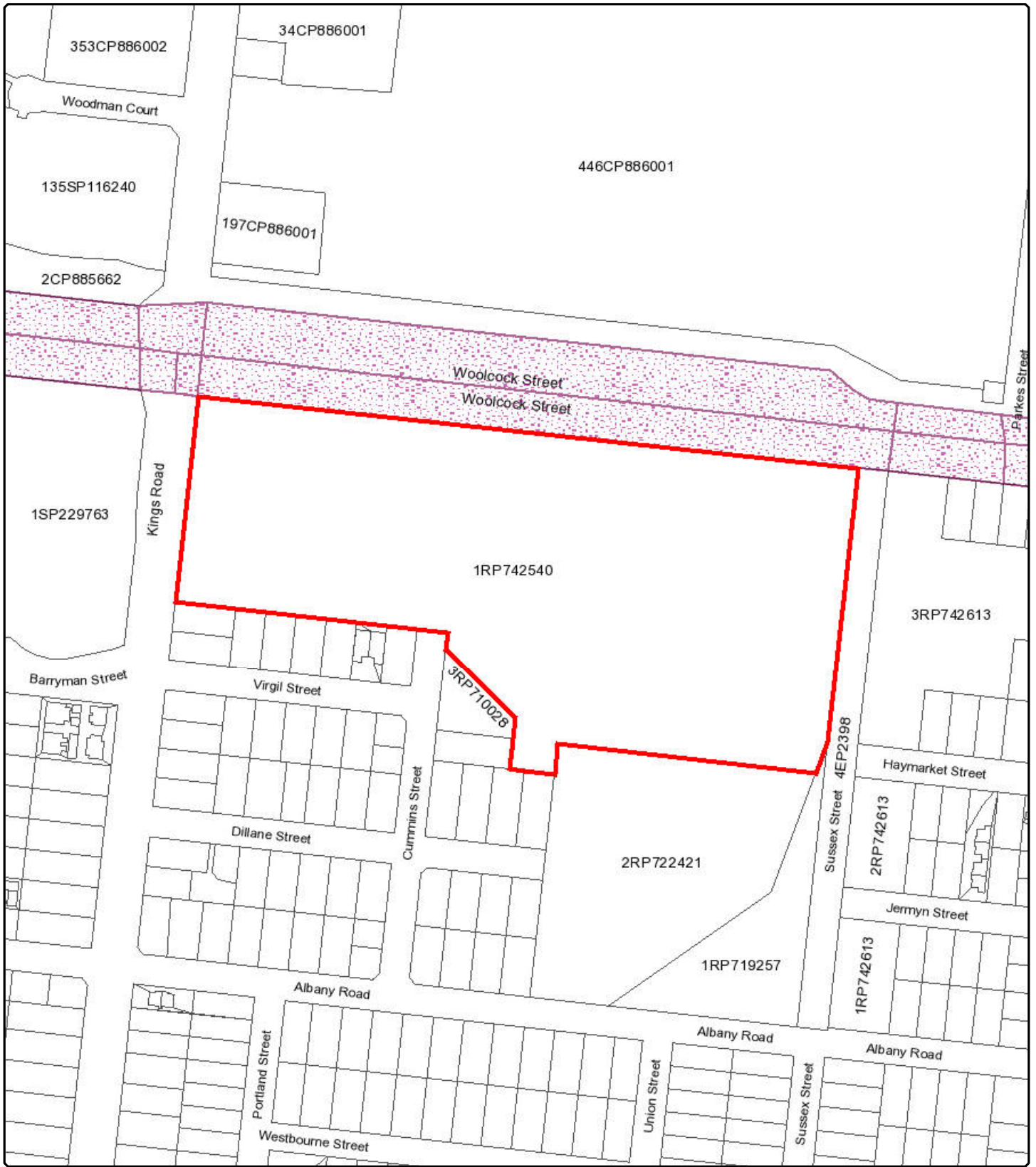
Coastal area - erosion prone area

 Coastal area - erosion prone area



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# State Assessment and Referral Agency

Date: 30/05/2024



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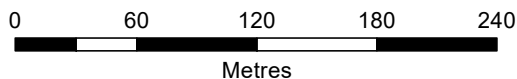
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## Legend

State-controlled road



State-controlled road



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# APPENDIX 3

## *PLANS OF DEVELOPMENT*



# Site Plan

## Legend

EXT\_CORE

CORE - Properties

Properties

CORE - Land Parcels

Land Parcels

CORE - Road Corridor Centreline

Main Road

Secondary Road

Trafficable Road

EXT\_CityPlanningScheme\_Current

Zone Precinct Boundary

Precincts

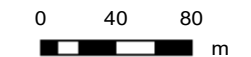
HPMD - Hyde Park medium density

KRMD - Kings Road medium density

MFP - Mixed 1950s

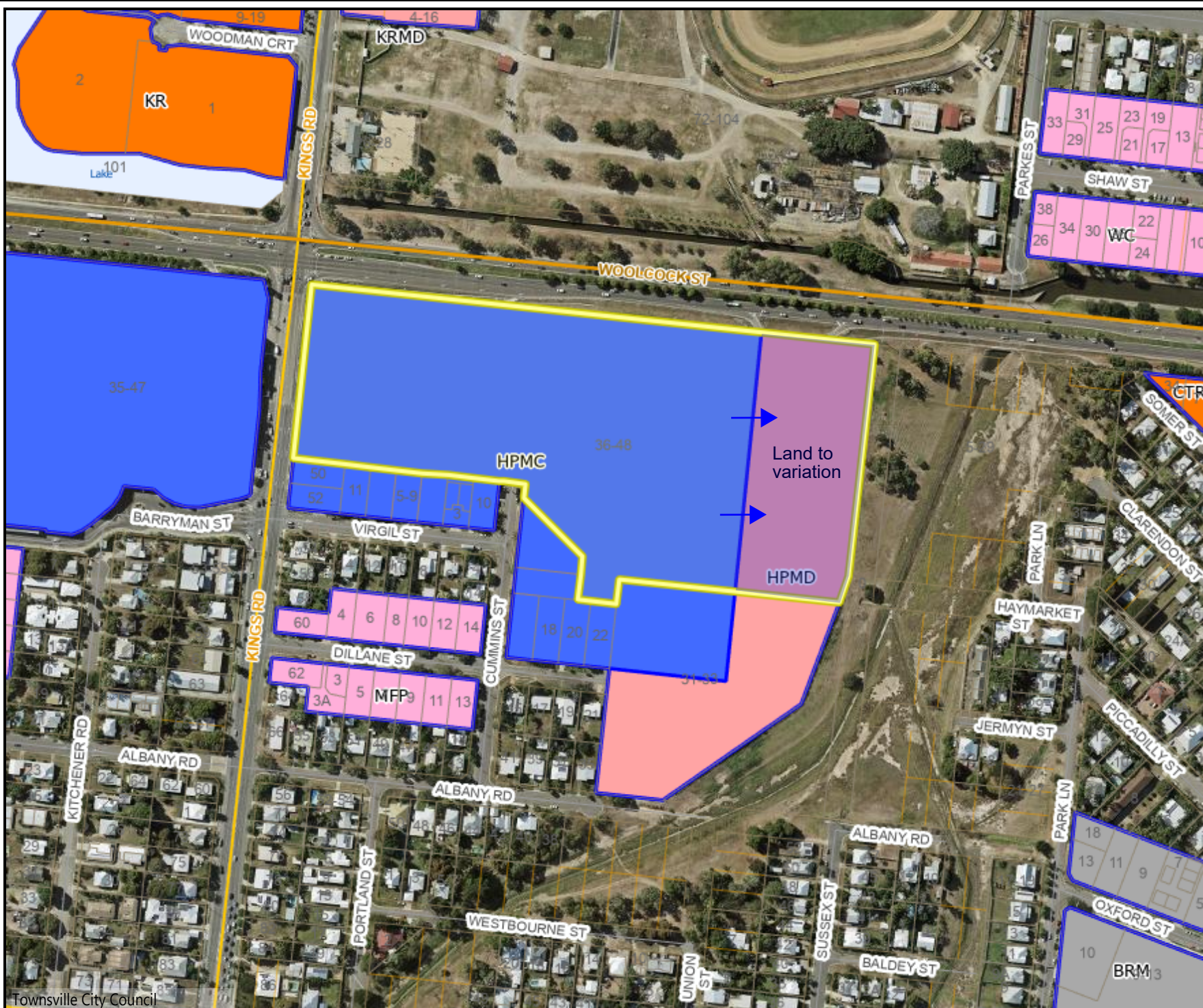
WC - Workers Cottages

Other



Scale 1: 4000

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# APPENDIX 4

## *STATE CODE 1 ASSESSMENT*

## **State code 1: Development in a state-controlled road environment**

### Response:

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017 outlines the circumstances where referral of a development application is required. For this section to apply, the proposed development must be for a material change of use, other than an excluded material change of use, that is assessable development under the local categorizing instrument. As a variation request, there is in fact no new works, uses or activities proposed as part of this development application. The proposal is an administrative change to the way in which the planning scheme applies to future development. As such there is no use being proposed, and, consequently, there is no new or changed access with the road corridor, nor is there any increase in floor area or hardstand area. However, because the subject premises contains an existing building within more than 100m<sup>2</sup> of GFA, the proposed material change of use cannot be considered an excluded material change of use and items 1 (a)-(c) from Table 4 are applied. The premises is within 25m of a state transport corridor AND adjacent to a road that intersects with a state controlled road within 100m.

Future development of the site under the plan of development would be required to demonstrate compliance with the outcomes and purposes of the applicable State codes.

The proposed development is able to objectively satisfy the outcomes and purpose of the State code. This is evident from the plans of development provided in support of this development application. The proposal is consistent with the policy position established by the applicable planning policy documents for development of the site. The reconfiguration meets the requirements of the codes and policies, and advances the achievement of the higher level strategic outcomes set by the planning instruments. It is therefore the applicant's opinion that the development application contains sufficient justification to warrant approval subject to condition.