



Date >> 16 January 2024

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Dear Sir/Madam

Information Request

Planning Act 2016

Application Details

Application no:	RAL23/0085
Assessment no:	10502029
Proposal:	Lot Creation - One (1) into Two (2) Lots
Street address:	41634 Bruce Highway BLUEWATER QLD 4818
Real property description:	Lot 73 EP 1620
Applicant's reference:	DA144/23

As per our telephone conversation on 11 January 2024, please be advised that, upon review of the above-mentioned development application, and in accordance with section 12.5 of the Development Assessment Rules, the application is not considered to align with the strategic intent of the Townsville City Plan. Specifically, Council wishes to advise that the application is not considered to align with the Townsville City Plan, including the Rural Zone Code, Reconfiguring a Lot Code and aspects of the Strategic Framework.

The Strategic Intent of the Planning Scheme is clear in its determination to protect the integrity of existing rural lands.

Notwithstanding the above, if it is your intent to have Council continue its assessment of the development application, then further information is required to undertake a comprehensive assessment. In accordance with section 12 of the Development Assessment Rules under the *Planning Act 2016* the following information is requested.

It is advised that by seeking responses to the request items, Council does not imply a position of support for the development application.

Request Item 1 - Strategic Framework

The applicant is requested to demonstrate that the proposed development is consistent with the Strategic Framework, which clearly reaffirms the planned settlement pattern through 2031.

The application suggests that the proposed lot creation will supply a 'large rural lifestyle' offering to the market. This is in direct conflict with section 3.2.5 *Shaping Townsville* of the

Strategic Intent of the Planning Scheme which states:

"...no additional land for rural residential development beyond what is allocated in this planning scheme is intended."

Reason

To demonstrate compliance with the Strategic Framework of the Townsville City Plan.

Request Item 2 - Rural Zone Code

The applicant is requested to demonstrate that the proposed development is consistent with the Rural zone code.

The proposed lot creation does not demonstrate compliance with the purpose of the Rural Zone Code and Mixed Farming Precinct as the development results in further segregation of rural land well below the accepted minimum lot size (40ha). Further, the proposed lot creation may impact the future viability of the land for potential agricultural and horticultural uses.

The purpose of the Rural Zone Code clearly expresses that lands must be protected to ensure the productive capacity of the land. The code's Particular Purpose expressly states that rural residential development does not expand into rural zoned land, that the zone primarily accommodates cropping or animal husbandry, and that all rural land is protected from further fragmentation. The proposed lot creation is in direct conflict with the zone code's purpose in that it:

- encourages rural residential development within a rural zone,
- potentially fragments the land to a point which would prejudice the future potential of the land to be used for cropping or animal husbandry; and
- further fragments rural land.

The overall outcomes of the Mixed Farming Precinct set out the purpose of the land in this precinct. The ultimate point of the outcomes (6.6.1.2 Purpose, Mixed Farming Precinct, c) states that *subdivision of lots below 40ha generally does not occur*. A lack of viability, quality of soil, or potential cost of rural or agriculture activities on the site is not considered a valid reason to further subdivide or use the site for non-agricultural purposes.

Reason

To demonstrate compliance with the Rural Zone Code of the Townsville City Plan.

Request Item 3 - Reconfiguring a Lot Code

The applicant is requested to demonstrate that the proposed development is consistent with the Reconfiguring a lot code.

The proposed development conflicts with the purpose of Reconfiguring a Lot Code which states, *'lot reconfiguration does not facilitate fragmentation or alienation of land that would prejudice the productive use of rural land resources;'* (9.3.4.2 Purpose, 2 (f)). The proposed lot creation will fragment land which is identified in a specific farming precinct, and that lot creation may prejudice the future productive use of the land.

Council acknowledges that an existing pattern of development in this area reflects the existence of historical subdivision under previous planning schemes. Particularly, the land to the north of the development site was subdivided under the 'Rural 10' Zoning of the City of Thuringowa Planning Scheme 2003. The development site was not included in this zoning which furthers that the continued purpose of the land is expressly rural.

Reason

To demonstrate compliance with Reconfiguring a Lot Code of the Townsville City Plan.

End of Information Request >>

Under the provisions of the Development Assessment Rules under the *Planning Act 2016*, you have three options available in response to this Information Request. You may give the assessment manager (in this instance Council):

- (a) all of the information requested; **or**
- (b) part of the information requested; **or**
- (c) a notice that none of the information will be provided.

For any response given in accordance with items (b) and (c) above, you may also advise Council that it must proceed with its assessment of the development application.

Please be aware that under the Development Assessment Rules under the *Planning Act 2016*, the applicant is to respond to any Information Request within **3 months** of the request. If you do not respond to the Information Request within this time period, or, within a further period agreed between the applicant and Council, it will be taken that you have decided not to provide a response. In the event of no response being received, Council will continue with the assessment of the application without the information requested.

Council prefers that all of the information requested be submitted as one package. If any additional matters arise as a result of the information submitted, or, as a result of public notification (where applicable), you will be advised accordingly.

Should any referral agency make an information request, you are reminded of your obligation to provide council with a copy of the information response provided to that referral agency.

You may wish to follow the progress of this application using PD Online on Council's website www.townsville.qld.gov.au

If you have any further queries in relation to the above, please do not hesitate to contact Estelle Trueman on telephone 07 47278303, or email developmentassessment@townsville.qld.gov.au.

Yours faithfully



For Assessment Manager
Planning and Development