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# APPENDIX 5

## *STATE CODES ASSESSMENT*

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

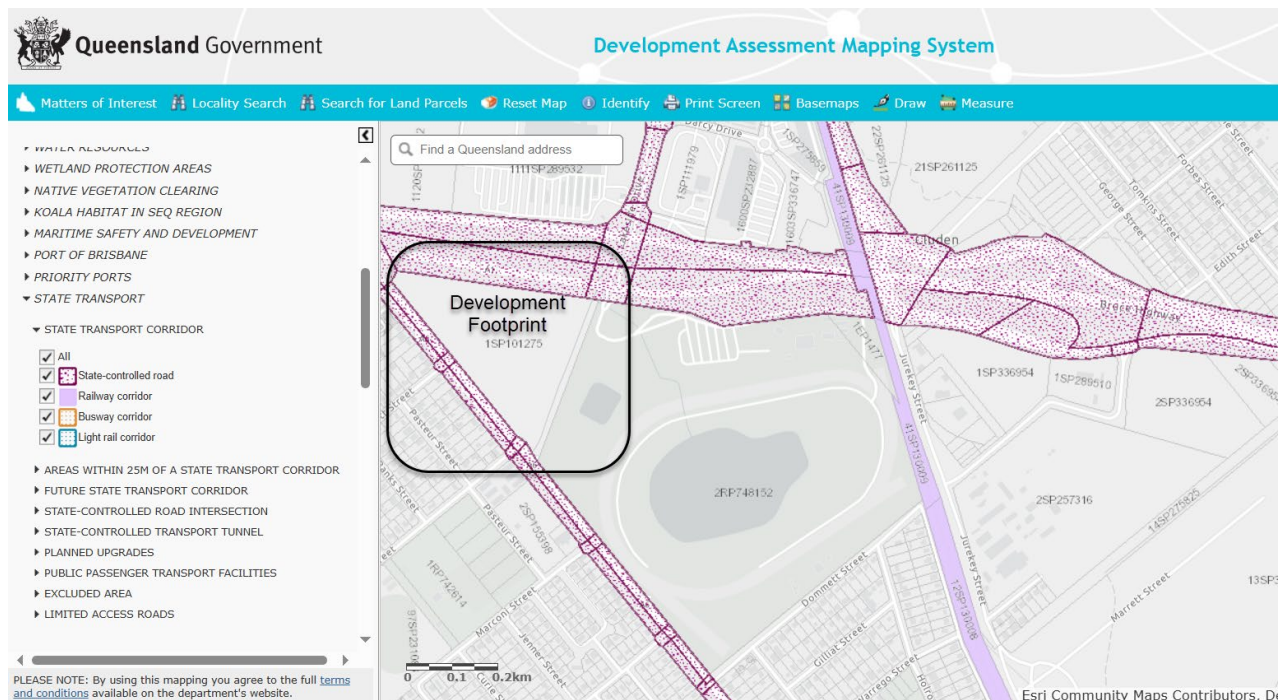
## Applicant Response:

A full response to State Code 1 is provided in *Appendix H Development code responses* of the Traffic Impact Assessment (TIA) prepared by Geleon included in **Appendix 6** of the Planning Report.

# State code 2: Development in a railway environment

## Applicant Response:

The purpose of State code 2 is to protect railway corridors, future railway corridors, rail transport infrastructure and other rail infrastructure from adverse impacts of development. The purpose of this code is also to protect the safety of people using, and living and working near, railways. The trigger for this assessment is the overall sights proximity to the North Coast Line which abuts the eastern property boundary of Lot 2 on RP78152. This Lot forms part of the development application purely for the purposes of realigning the shared common boundary with Lot 1 on SP101275 to align the development footprint with the Lot 1 property boundaries. The abutment is more than 600m away from the proposed realigned boundary and remains buffered by the Townsville Turf club facility. As such, the development bears no impact on the rail corridor itself and is intrinsically consistent with the Purpose of State code 2. Furthermore, the development demonstrates full compliance with related State code 1 and State code 6, which offers further certainty on this matter. These State codes are addressed in detail in *Appendix H Development code responses* of the Traffic Impact Assessment included in **Appendix 6** of the Planning Report.



State Development Assessment Provisions v3.0

State code 2: Development in a railway environment

Page 1 of 1

# State code 6: Protection of state transport networks

## Applicant Response:

A full response to State Code 6 is provided in *Appendix H Development code responses* of the Traffic Impact Assessment (TIA) prepared by Geleon included in **Appendix 6** of the Planning Report.

# State code 14: Queensland heritage

Guideline – SDAP State code 14: Queensland heritage which provides direction on how to address this code.

## Applicant Response:

The trigger for assessment against State code 14 relates to the fact that the development involves a boundary realignment between Lot 2 on RP748152 which contains a State heritage listed place (**Grandstand, former totalisator building and main entrance gates, Cluden Racecourse**) and Lot 1 on SP101275 which is not on the State heritage register (or the Local heritage register) but does adjoin Lot 2. No changes are proposed to the operation of the Racecourse, its existing built form, open space areas or any features within the gates of the Turf Club itself. In this way, the cultural heritage values of the Racecourse will remain unaffected and in ways complimented by the Development. In that in that it will result in the co-location of two tourist attractions and would encourage patronage between the two facilities. In turn promoting access to and enjoyment of the heritage features of the Cluden Racecourse. As the site of the Plan of Development is fundamentally positioned on a separate land parcel to the Cluden racecourse through this boundary realignment, it is considered that the development occurs on land adjoining to a heritage place, rather than within a heritage place. More specifically, the proposed title boundary realignment does not result in any potential impacts on State heritage values and as such a Heritage Impact Statement/Assessment is not considered necessary to be able to assess and determine compliance with State code 14. The assessment provided below, combined with the common material forming the associated development application, provide the required level of certainty



State Development Assessment Provisions v3.0

State code 14: Queensland heritage

Page 1 of 3

**Table 14.1: Applicable criteria for development associated with a Queensland heritage place**

Type of development on a Queensland heritage place	Relevant provisions of code
All <b>development</b> on a <b>Queensland heritage place</b>	Table 14.2 — PO1 – PO4 <b>NOT APPLICABLE</b>
Reconfiguring a lot on land containing a <b>Queensland heritage place</b>	Table 14.3 — PO5 – PO7
Material change of use on land <b>adjoining</b> a <b>Queensland heritage place</b> or on a lot containing a <b>Queensland heritage place</b> , but not carried out on the <b>Queensland heritage place</b>	Table 14.4 — PO8

**Table 14.3: Reconfiguring a lot on land containing a Queensland heritage place**

Performance outcomes	Response
<b>PO5 Development</b> does not result in a lot size or configuration which adversely impacts the aspects of the <b>setting</b> that form part of the <b>cultural heritage significance</b> of the <b>Queensland heritage place</b> .	The boundary realignment is minimal and of no material consequent to the continued operation of the heritage listed place.
<b>PO6 Development</b> does not result in a lot size and configuration which adversely impacts the ongoing <b>conservation</b> management of the <b>Queensland heritage place</b> .	<p>The development does not involve any interaction with, works upon or works within close proximity to, the built form elements of the heritage place.</p> <p>As such the setting that forms part of the heritage listed place remain unchanged.</p> <p><b>Complies with PO5 – PO6.</b></p>
<b>Where the relationship between built and open spaces forms part of the cultural heritage significance of the place</b>	
<b>PO7 Development</b> on a place where the relationship between built and open spaces form part of the <b>cultural heritage significance</b> of the place, maintains a lot size and configuration which facilitates the <b>conservation</b> of these relationships.	<p>The boundary realignment is minimal and of no material consequent to the continued operation of the heritage listed place.</p> <p>The boundary realignment relates to land within the external car park and stormwater drainage areas of the heritage listed site. All of which are outside of the gates of the Cluden Racecourse.</p> <p>The built form and open space areas of the heritage listed place remain unaffected and conserved.</p> <p><b>Complies with PO7.</b></p>

**Table 14.4: Material change of use on land adjoining a Queensland heritage place or on a lot containing a Queensland heritage place, but not carried out on the Queensland heritage place**

Performance outcomes	Response
<p><b>PO8 Development</b> is located, designed and scaled so that its form, bulk and proximity minimises adverse impacts on the <b>cultural heritage significance</b> of the <b>Queensland heritage place</b>.</p>	<p>Future built form occurring as a result of the MCU component of the development, both at this stage and as part of future stages, will be in excess of 250m from the heritage related built form elements. This distance provides an inherent proximity buffer where by new built form has limited ability to directly or adversely impact the existing significant of the heritage place.</p> <p>The significant views from the most prominent position of the heritage place, the grandstand, will be maintained as they face away from the site and onto the racecourse. This view will not be impacted. Additionally, views of the racecourse from any adjoining street will not be obscured by the development.</p> <p>The Plan of Development maintains wide areas of open space to utilise as stormwater catchment areas, which balance built form and open space outcomes that compliant that of the Racecourse.</p> <p><b>Complies with PO8.</b></p>

**NOTE:** The overall development will be the subject of additional future development applications that will trigger further assessment against State code 14 at a time when more specific built form outcomes are known. This context is an important consideration in assessing the MCU component of this development application, which again is for the establishment of a Plan of Development that will govern future development applications, as well as the inconsequential boundary realignment. There are no works rights being sought as part of this development application.

It is assumed that Lot 1 will by proxy inherit inclusion on the State heritage register for the land area that is currently within Lot 2 but will be transferred to Lot 1. It is assumed that this may occur on a meets and bounds basis. That is unless the Register can be amended by the Department as part of this development assessment and approval process. If not, to address this technicality, the proponent will seek to have Lot 1 removed from the State heritage register following titling of the new lot boundaries.