

BNC Ref. DA041-24  
IMPACT:MCU:RAL

**Date >> 23 October 2024**

ASSESSMENT MANAGER  
TOWNSVILLE CITY COUNCIL  
PO BOX 1268  
TOWNSVILLE QLD 4810  
Via: [developmentassessment@townsville.qld.gov.au](mailto:developmentassessment@townsville.qld.gov.au)

Dear Assessment Manager,

**RE: LODGEMENT OF A COMBINED DEVELOPMENT APPLICATION UNDER CHAPTER 3, PART 2 OF THE *PLANNING ACT 2016* DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (VARIATION REQUEST) AND RECONFIGURATION OF A LOT AT 1-105 RACECOURSE ROAD, CLUDEN QLD 4811 (RPD: LOT 1 ON SP101275 AND LOT 2 ON RP748152)**

*BNC Planning* acting on behalf of the applicant *MCK TSV Pty Ltd* submit the attached development application to the Townsville City Council in accordance with Chapter 3, Part 2 of the *Planning Act 2016* (the Act). The development application is a combined application seeking a preliminary approval under section 50 of the Act for a Material change of use (Variation request) to override the planning scheme to establish use rights in accordance with a Plan of Development AND a development permit for Reconfiguring a lot (Boundary realignment) to create the land parcel the Plan of Development will apply to.

The subject premises is addressed for the purpose of this development application as 1-105 Racecourse Road, Cluden more particularly described as Lot 1 on SP101275 and Lot 2 on RP748152.

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 contact me to confirm receipt of this development application and to confirm the assessment manager application fee amount and payment options. 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*



# COMBINED DEVELOPMENT APPLICATION

## *PLANNING ACT 2016*

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

MATERIAL CHANGE OF USE (VARITATION REQUEST) FOR USE RIGHTS IN ACCORDANCE  
WITH A PLAN OF DEVELOPMENTS

**AND**

### **DEVELOPMENT PERMIT**

RECONFIGURING A LOT (BOUNDARY REALIGNMENT)

1-105 RACECOURSE ROAD  
CLUDEN QLD 4811

RPD: LOT 1 ON SP101275 AND LOT 2 RP748152



**BNC PLANNING**  
town planning & property development consultants

## PLANNING REPORT

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COMBINED DEVELOPMENT APPLICATION FOR A PRELIMINARY APPROVAL AND DEVELOPMENT PERMIT  
*PLANNING ACT 2016*

**IMPACT ASSESSABLE MATERIAL CHANGE OF USE - VARIATION REQUEST UNDER SECTION 50 OF THE *PLANNING ACT 2016*  
AND CODE ASSESSABLE RECONFIGURING A LOT**

1-105 RACECOURSE ROAD, CLUDEN QLD 4811

being

LOT 1 ON SP101275 AND LOT 2 ON RP748152

for

USE RIGHTS IN ACCORDANCE WITH A PLAN OF DEVELOPMENT AND BOUNDARY REALIGNMENT

## Report Matrix

APPLICATION SUMMARY	
<b>Applicant:</b>	MCK TSV Pty Ltd C/- BNC Planning
<b>Application Type:</b>	Development Application for a Preliminary Approval and Development Permit
<b>Development Type:</b>	Material Change of Use (Variation Request) and Reconfiguring a Lot
<b>Category of Development (Level of Assessment):</b>	Impact Assessable
<b>Defined Use:</b>	Variation request to override the planning scheme for use rights in accordance with a Plan of Development and Boundary realignment
<b>Assessment Manager:</b>	Townsville City Council
<b>Referral Agencies:</b>	State Assessment and Referral Agency
<b>Planning Scheme:</b>	Townsville City Council Planning Scheme
<b>Planning Scheme Definition(s):</b>	Plan of Development
<b>Zoning:</b>	Sport and Recreation Zone
<b>Precincts/Sub-Precincts:</b>	Cluden Precinct
<b>Overlays:</b>	Airport environs, Coastal environment, Cultural heritage and Flood hazard overlay
SITE DESCRIPTION	
<b>Property Address:</b>	1-105 Racecourse Road, Cluden QLD 4811
<b>Real (Legal) Property Description:</b>	Lot 1 on SP101275 and Lot 2 on RP748152
<b>Site Area:</b>	52.301 ha
<b>Landowner:</b>	Townsville Turf Club Incorporated
<b>Tenure:</b>	Freehold
<b>Relevant Encumbrances:</b>	Easement A on RP725631
<b>Local Government Area:</b>	Townsville City Council
<b>Road Frontage(s)</b>	Bruce Highway and Flinders Highway (Stuart Drive)
<b>Existing Use(s)</b>	Townsville Turf Club and balance unoccupied land

## DOCUMENT CONTROL

Prepared by		Client	File Ref.	Report
BNC Planning		MCK TSV Pty Ltd	DA041-24	Report No. DA041-24-PR
Version	Date	Author		
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## CONTENTS

<b>1.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b>2.</b>	<b>INTRODUCTION.....</b>	<b>6</b>
<b>3.</b>	<b>SITE AND LOCALITY .....</b>	<b>6</b>
<b>4.</b>	<b>PROPOSAL SUMMARY .....</b>	<b>8</b>
4.1	Development Application Strategy .....	9
4.2	Key Technical Considerations.....	10
4.2.1	Environmental Impact.....	10
4.2.2	Traffic Impact Assessment .....	10
4.2.3	Flood, Stormwater and Hydrology .....	10
4.2.4	Water and Sewerage.....	10
4.2.5	Electricity and Telecommunications .....	11
4.2.6	Waste Managements .....	11
4.2.7	Cultural Heritage .....	11
4.2.8	Visual Amentiy .....	11
4.2.9	Housing and Accommodation .....	12
4.2.10	Economic Need .....	12
<b>5.</b>	<b>COMMUNITY CONSULTATION.....</b>	<b>13</b>
<b>6.</b>	<b>STATUTORY ASSESSMENT .....</b>	<b>13</b>
6.1	Assessing and Deciding a Variation Request – s61 of the <i>Planning Act 2016</i> .....	13
6.2	Assessment Benchmarks Pertaining to State Planning Instruments.....	14
6.2.1	State Codes .....	155
6.3	Assessment Benchmarks Pertaining to Local Planning Instruments.....	155
6.4	Public Notification.....	16
<b>7.</b>	<b>CONCLUSION.....</b>	<b>16</b>
7.1	Statement of Reasons .....	17

## **APPENDICIES**

Appendix 1 Development Application Forms

Appendix 2 Site Details

Appendix 3 Concept Master Plan and Plans of Development

Appendix 4 Planning Scheme Codes Assessment

Appendix 5 State Codes Assessment

Appendix 6 Technical Supporting Documents

Appendix 7 Economic Impact Assessment

Appendix 8 Townsville Waterpark, Hotel and Beachclub Plan of Development

## 1. EXECUTIVE SUMMARY

This development application is a combined development application made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act). The application is seeking a preliminary approval for a material change of use to vary the effect of the Townsville City Council Planning Scheme for use rights in accordance with the **Townsville Waterpark, Hotel and Beach Club Plan of Development**. This development application is also seeking a development permit for reconfiguring a lot for a boundary realignment to ensure the underlying land title matches the proposed development footprint.

The subject premises is described for the purpose of this development application as 1-105 Racecourse Road, Cluden QLD 4811 more particularly described as Lot 1 on SP101275 and Lot 2 on RP748152. The premises is within the Sport and Recreation Zone under the planning scheme with Lot 2 being the Townsville Turf Club (Cluden Racecourse) and Lot 1 being balance unoccupied and unimproved land.

For the purpose of this development application *BNC Planning* act on behalf of the applicant **MCK TSC Pty Ltd**. Following a detailed assessment of the proposal against the applicable assessment benchmarks and any relevant matters, it has been determined that the development proposal is consistent with all applicable benchmarks, codes and policies. The development application therefore mandates approval in accordance with rules of impact assessment as established under the Act, subject to the imposition of reasonable and relevant conditions and any referral agency responses. A summary of the development application is provided below:

*Table 1.0: Development application summary*

APPLICATION SUMMARY	
<b>Applicant:</b>	MCK TSV Pty Ltd C/- BNC Planning
<b>Application Type:</b>	Development Application for a Preliminary Approval and Development Permit
<b>Development Type:</b>	Material Change of Use (Variation Request) and Reconfiguring a Lot
<b>Category of Development (Level of Assessment):</b>	Assessable Development – Impact Assessable
<b>Development Description:</b>	Variation request to override the planning scheme for use rights in accordance with a Plan of Development and Boundary realignment
<b>Assessment Manager:</b>	Townsville City Council
<b>Referral Agencies:</b>	State Assessment and Referral Agency
CATEGORISING INSTRUMENTS	
<b>Planning Scheme:</b>	Townsville City Council Planning Scheme
<b>Planning Scheme Defined Use(s):</b>	Plan of Development
<b>Zoning:</b>	Sport and Recreation Zone
<b>Precincts/Sub-Precincts:</b>	Cluden Precinct
<b>Local Areas:</b>	NA
<b>Overlays:</b>	Airport environs, Coastal environment, Cultural heritage and Flood hazard overlay
SITE DESCRIPTION	
<b>Property Address:</b>	1-105 Racecourse Road, Cluden QLD 4811
<b>Real (Legal) Property Description:</b>	Lot 1 on SP101275 and Lot 2 on RP748152
<b>Site Area:</b>	52.301 ha
<b>Landowner:</b>	Townsville Turf Club Incorporated
<b>Tenure:</b>	Freehold
<b>Relevant Encumbrances:</b>	Easement A on RP725631
<b>Local Government Area:</b>	Townsville City Council

## 2. INTRODUCTION

BNC Planning Pty Ltd has been commissioned by MCK TSV Pty Ltd (the Applicant) to prepare this town planning assessment report to support a development application which seeks Townsville City Council (Council) approval for a Material Change of Use (Variation Request) to establish use rights in accordance with a Plan of Development and approval for Reconfiguring a Lot to facilitate a modest boundary realignment.

The applicant is seeking to develop a circa 16.86ha portion of the subject site to establish a landmark theme park destination for North Queensland. The development will be a high order social and economic infrastructure asset, anchored by a large multi-faceted waterpark facility supported by ancillary food, drink, retail, recreation and entertainment components. The waterpark will be complimented by the construction of a new high-rise hotel featuring high-end amenities and facilities. The balance of the development footprint is proposed to deliver a range of framing land uses in the form of drive through food and drink outlets, a community tavern to be operated by the Townsville Turf Club as well as the potential for unit complexes and further retail offerings. In order to facilitate this development, significant earthworks and road infrastructure will need to be undertaken. This will involve grading, excavation and land clearing to prepare the site, as well as the construction of new major road reserves, internal driveways and parking areas. The development of this supporting infrastructure will be a key component of the overall project.

The subject site is located within the Townsville City Council Local Government Area and therefore the required development application is pursuant to the Townsville City Council Planning Scheme (the Planning Scheme). Under the planning scheme, this combined development application triggers Impact Assessment pursuant to the tables of development for the Sport and recreation zone and pursuant to the *Planning Act 2016* and will involve referral agency assessment and responses.

This Report addresses the merits of the development with regard to the provisions of the Planning Scheme and relevant sections of the *Planning Act 2016* (the Act), the *Planning Regulation 2017* (the Regulation), State Planning Policy, the State development assessment provisions (SDAP's), the North Queensland Regional Plan (the Regional Plan) and the relevant Commonwealth legislation. This report is to be read in conjunction with the maps, plans, drawings and other supporting information accompanying this development application.

The assessment of the application is to be undertaken in accordance with Section 61 and 45(5) of the Act and Sections 30 and 31 of the Regulation. This report provides the Applicant's assessment of the proposed development against these provisions and provides a defensible, statutory basis upon which Council have grounds to support and approve the development application in full, subject to reasonable and relevant conditions.

## 3. SITE AND LOCALITY

The subject premises is made up of two (2) Freehold land parcels which are addressed for the purpose of this development application as land at 1-105 Racecourse Road, Cluden QLD 4811 more particularly described as Lot 1 on SP101275 and Lot 2 on RP748152. The premises is within the Sport and Recreation Zone and the Cluden Precinct under the Planning Scheme and is currently used as the Townsville Turf Club and balance unoccupied land.

The general immediate locality consists of a range of commercial, industrial, residential, sport and recreation and open space land use designations and activities. The immediate environment is dominated by high order transport infrastructure with the site fronting the intersection between the Bruce Highway running east/west and the Flinders Highway (Stuart Drive) running north/south. The site is extremely well placed to accommodate the development, subject to site preparatory earthworks to manage flood and stormwater impacts. These works are being facilitated through an active operational works development application (OPW23/0105).





**Figure 1.0: Site Locality**

The following table describes the key characteristics of the site:

**Table 2.0: Site characteristics**

SITE AND LOCALITY DESCRIPTION	
<b>Property Address:</b>	1-105 Racecourse Road, Cluden QLD 4811
<b>Real (Legal) Property Description:</b>	Lot 1 on SP101275 and Lot 2 on RP748152
<b>Site Area:</b>	52.301 ha
<b>Landowner:</b>	Townsville Turf Club Incorporated
<b>Tenure:</b>	Freehold
<b>Relevant Encumbrances:</b>	Easement A on RP725631
<b>Local Government Area:</b>	Townsville City Council
<b>Zoning:</b>	Sport and Recreation Zone
<b>Precincts/Sub-Precincts:</b>	Cluden Precinct
<b>Local areas:</b>	NA
<b>Existing Use(s):</b>	Townsville Turf Club (Cluden Racecourse) and balance unoccupied land
<b>Road Frontage:</b>	Lot 1 - Bruce Highway (Racecourse Road) and Flinders Highway (Stuart Drive)
<b>Significant Site Features:</b>	Cluden Racecourse and ancillary amenities
<b>Topography:</b>	The site generally flat, is void of any regulated vegetation and does contain a low order designed waterway managed through a man-made drainage channel
<b>Surrounding Land Uses:</b>	Commercial, industrial, residential, recreation and open space

#### 4. PROPOSAL SUMMARY

The proponent has prepared and lodged this development application seeking development approval from the Townsville City Council to facilitate the construction of a Waterpark, Hotel and Beachclub complex, supported by framing commercial and accommodation (both short and long term) land uses. Please find attached a copy of the Concept Master Plan and architectural documentation outlining the general overall development intent.

The proposed development includes the construction of a large waterpark and 'beach club' complex including a new high-rise hotel (short-term accommodation). The hotel will feature high-end amenities and facilities to compliment the waterpark which is envisioned to be a major regional attraction, with multiple pools, water slides, and other aquatic features. The integrated beach club will provide waterside dining, retail, and recreational offerings for hotel guests and the general public. In order to facilitate this development, significant earthworks and road infrastructure will need to be undertaken, with the required operational works development application in the final stages of State and Council approval. This will involve grading, excavation and land clearing to prepare the site, as well as the construction of new major road reserves, internal driveways and parking areas. The development of this supporting infrastructure will be a key component of the overall project.

Overall, this multi-faceted development represents a significant investment in the region's tourism offerings and will drive economic activity, create new jobs, and establish the area as a premier destination for both local residents and visitors.

To facilitate the proposal, the applicant 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 that will deliver the Vision for the project. As a variation request, this development application does not involve approval of any specific building, site or external works and seeks to accommodate future use rights that differ from the current Sport and recreation zoning but are still consistent with the strategic intent of the planning scheme and the opportunities presented by this unique locality. The use rights are proposed to be managed by way of a Plan of Development, referred to as the *Townsville Waterpark, Hotel and Beachclub Plan of Development* (the POD), which seeks to vary the categories of development and assessment for future material change of use development and establish a new POD code that will expand on the existing Sport and recreation zone code that applies to the site. The POD will establish an efficient development assessment framework that delivers the level of confidence required to inform commercial decision making. This will be achieved through the site and development specific tables of assessment which apply new categories of development. The new Categories of development and assessment put forward in the POD are based primarily off the current Sport and recreation zone, with the addition of uses such as *Tourist attraction* (which is the Planning Scheme defined use a Waterpark of this nature would come under), *Short-term accommodation* and *Hotel* able to be applied for by way of code assessable development applications. For statutory clarity, the POD formalises the extent to which the associated development application seeks to vary the planning scheme.

The purpose of the Plan of Development is:

*To create a unique, landmark community destination providing for a range of integrated tourism, recreation, entertainment and accommodation activities that takes advantage of the sites sport and recreation zoning, proximity to high order transport infrastructure and high level of access to other existing urban infrastructure networks.*

*More specially, the purpose and vision of the Plan of Development is to establish a planning framework to deliver a landmark, integrated 'waterplay' based tourism and entertainment destination supported by a mix of support services that will establish a State significant social infrastructure asset for the community.*

A copy of the POD is attached as **Appendix 8**.

## **4.1 Development Application Strategy**

The development application regime will be anchored by an initial impact assessable material change of use application being a variation request (VR) to override the Townsville City Council Planning Scheme to establish new use rights over the premise in accordance with a Plan of Development (the POD). The POD will establish a unique, development specific application and approval framework that will streamline future approval processes, and in doing so built and foster confidence, certainty and control over the construction and operational phases of development.

The primary VR component will be complimented by a concurrent code assessable Reconfiguring a lot development application to realign the boundary between Lot 1 on SP101275 and Lot 2 on RP748152 to create a parent lot to which the POD will apply and to formally isolate the development from the Townsville Turf Club retained land.

There is also an active operational works development application currently being processed, which seeks to augment the current site to ready it for development. The extent of these works has been used to delineate the parent lot and inform the boundary realignment component of the application. These works are a proactive step being taken to allow the required bulk earthworks and civil/infrastructure works to commence as soon as possible and to ensure a useable, developable footprint is determined prior to any specific built form approvals are sought. It is acknowledged that there may be the need for intermittent operational works approvals for individual internal development footprints as the overall project progresses.

Once the POD is in place, subsequent material change of use development applications will be made. This is anticipated to initially involve the Waterpark (Tourist attraction), Hotel (Short-term accommodation), as well as a Community tavern (Hotel) and drive through food and drink offerings. Other framing land uses that will be investigated include multiple dwellings, rooming accommodation, serviced apartments and additional retail.

### Summary of DA Sequencing

- a) Combined Material Change of Use (Impact) lodged under the Planning Scheme - Variation Request for use rights in accordance with a Plan of Development AND Reconfiguring a Lot (Code) lodged under the Planning Scheme - Boundary Realignment to create the development lot.
- b) Material Change of Use (Code) lodged under the POD – Tourist attraction (Waterpark) Short-term accommodation (Hotel), Hotel (Community tavern) and Food and drink outlets (drive through fast food)
- c) Further applications made under the POD in response to future identified demand i.e. multiple dwelling, retail, indoor sport and recreation, community facilities, etc.
- d) Operational Works (Code) lodged under the Planning Scheme as required subsequent to each MCU and RAL.

## 4.2 Key Technical Considerations

### 4.2.1 Environmental Impact

The site is an urban zoned, infill development site with limited environmental value. Environment management is heavily related to stormwater quality and run-off management, which is addressed in detail in the Engineering Report included in **Appendix 6**. Issues relating to off-site amenity impacts are addressed through the development controls proposed within the PoD which will influence elements such as landscaping, streetscape and character, siting of buildings, traffic management, and construction management.

### 4.2.2 Traffic Impact

The main access to the site will be via the Bruce Highway and Stuart Drive at existing intersection environments. Locations have been identified on the proposal plans in **Appendix 3** and are being determined through consultation with the Department of Transport and Main Road as part of the current operational works application being processed. The existing road access environment does not present any unmanageable constraints in terms of capacity, site distances or safety. The Traffic Impact Assessment included in **Appendix 6** has undertaken an assessment of the likely traffic impacts and concluded that the proposed development will not introduce any adverse traffic impacts which would prevent its approval with appropriate conditions.

### 4.2.3 Flood, Stormwater and Hydrology

An extensive flood impact assessment has been carried out using a fine scale mini TUFLOW model based on inputs and boundary conditions derived from Townsville City Council's new Ross River Flood Study. This extensive assessment which includes a series of low maintenance, free draining flood mitigation measures has demonstrated that the proposed development footprint can comply with the flood hazard overlay code. Refer to the attached NCE flood impact assessment report.

The initial bulk earthworks to be carried out on the site also does not result in impacts off site. The bulk earthworks proposed align with the proposed development layout.

Local run-off will be conveyed to legal points of discharge via an underground pit and pipe network. Stormwater quantity and mitigation of post-development flows is addressed utilising the detention storage and flow mitigation measures within the development extents.

Stormwater quality is demonstrated to be mitigated through a treatment train and utilising best practice stormwater quality improvement devices, including proprietary devices.

Further detail relating to the flood, stormwater and hydrology can be found in the Engineering Report included in **Appendix 6**.

### 4.2.4 Water and Sewerage

Existing water infrastructure surrounding the site has capacity to service the development for peak demands and fire flows. A DN300 connection is proposed to the DN450 DICL trunk main on Stuart Dr opposite Watt St. The DN300 and reducing to a DN200 water main is proposed through the site is adequately sized to service the development. Refer to the DPM Water report for details of the assessment.

The sewerage planning assessment has demonstrated that the existing system requires upgrade in order to accommodate the proposed development. A number of options are nominated.



Further detail relating to the water and sewer can be found in the Engineering Report included in **Appendix 6**, specifically in Appendix V: DPM Water - Water Supply and Sewerage Planning Report.

#### 4.2.5 Electricity and Telecommunications

Electricity and telecommunications services will be provided to the site in accordance with Ergon Energy requirements and the relevant telecommunications service provider and will be subject to further detail design. The site access established access to these networks and will be serviced by an augmented supply solution reflective of the anticipated demand for the overall use of the site.

#### 4.2.6 Waste Management

All waste generated from the construction of the facility will be effectively managed and controlled on-site before disposal at a designed and appropriately licenced waste disposal facility. All waste will be stored, transported and disposed of in accordance with the *Environment Protection (Waste Management) Regulation 2000* and the *Environmental Protection (Waste Management) Policy 2000*. Issues relating to use specific waste management are addressed through the development controls proposed within the PoD which will influence elements such location, collection and screening.

#### 4.2.7 Cultural Heritage

It is acknowledged that the Cluden Racecourse is on the State heritage register. More specifically the grandstand, former totalizator building and main entry gates. 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. See **Appendix 5** for further detail.

All land parcels associated with the proposal are Freehold in tenure. The applicant/proponent acknowledges that, under s23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practical measures to ensure not to harm Aboriginal cultural heritage. The measures to be taken to ensure this “cultural heritage duty of care” is achieved shall include applying the principles of avoidance, minimisation and mitigation of potential impacts to cultural heritage throughout the design, construction and operational phases of project.

#### 4.2.8 Visual Amenity

The site is an urban zoned, infill development site with limited direct adjoining land uses. Meaning the potential to create visual amenity impacts is limited. Residents on the western side of Stuart Drive will be mitigated through the sheer distance between their private open space and the activities occurring on site. Even with the proposed building heights, there is no potential for over shadowing or overlooking with the Concept Master Plan and PoD Code expressing a clear intent to ensure built form outcomes are modern and attractive and complimented by streetscape beautification. Issues relating to the protection of amenity in general are addressed through the development controls proposed within the PoD which will require consideration of amenity elements such as noise, hours of operation, traffic, visual impact, signage, odour and emissions, lighting, access to sunlight, privacy and outlook.

#### 4.2.9 Housing and Accommodation

The PoD seeks to include multiple dwelling and rooming accommodation outcomes within the range of land uses that can establish within the site to foster self-containment and build commercial resilience. These land uses are critical in assisting to drive housing supply and affordability in the interest of advancing the achievement of the Federal Governments National Housing and Homelessness Plan, the State Governments Queensland Housing Strategy and the Townsville City Council City Activation and Housing Incentives Policy. Matters relating to built form, location and amenity are addressed through the development controls proposed within the PoD.

#### 4.2.10 Economic Need

The project is supported an Economic Impact Assessment attached as **Appendix 7** which undertakes a high level analyses of the economic impact that the development has across industries including employment, wages and salaries, value-add and output. The impacts have been modelled for both the construction and operational phase. The impacts of the construction phase only accounts for the impacts over the construction period of 2 years, while the operational phase is annual impact.

Through the input-output modelling and the incorporation of data from sources such as the ABS, TRA and research reports, an assessment has been provided of the evaluation of the significant economic benefits the project will generate for the Townsville region. By modelling the flow of expenditures across sectors and the resulting multiplier impacts, it is clear the development will be a major driver of regional economic activity, productivity, and employment. Over the two-year construction period alone, impacts will include over \$569 million in total output, support for nearly 1200 jobs, and adding nearly \$200 million in value-add to the GRP. Once operational, annual impacts of \$165 million in economic output, support for 715 continuing jobs, and \$80 million in value-add further reinforce how the project will meaningfully contribute to achieving the strategic tourism and development goals for North Queensland. This establishes a clear overriding economic and social need for the development in the community interest.

A further, more detailed Economic Impact Assessment has been commissioned through Location IQ, who have a history with the site. They have been commissioned to provide a Need Analysis & Economic Impact Assessment, concentrating on the fast food, showroom and tavern uses. This assessment will more specifically involve:

For the Need Analysis:

- (a) A summary of the regional and local context of the site.
- (b) Definition of the customer segments to be served by the development.
- (c) A review of current and projected population and retail spending levels for the customer segments over the period to 2041 (key assumptions to be outlined).
- (d) An overview of the socio-economic profile of the customer segments.
- (e) An audit of current and future competitive developments in relation to the range of proposed uses.
- (f) An assessment of the supply and demand for each use over the period to 2041, including key drivers of demand and typical provision benchmarks.
- (g) Overall recommendations in relation to potential gaps in the market and size of supportable floorspace.

For the Economic Impact Assessment:

- (a) Site visit and surrounding facilities.
- (b) Based on work previously undertaken as part of the market potential assessment, an assessment of the need for each of the proposed uses, including the likely sales and market shares for the various components of the Townsville Waterpark proposal.
- (c) Analysis of the potential economic impacts of the development, including:
  - i. The positive benefits, including:
    - 1. Employment including construction and ongoing operational jobs.
    - 2. Total capital investment and estimated annual economic contribution.
    - 3. additional competition and convenience.

- ii. Sales impacts on competing retail facilities. These impacts will be expressed in both dollar and percentage terms for the proposed year in which the development will open.
- iii. A discussion of the likely consequences on the retail hierarchy of the approval of the proposed development.
- (d) An overall assessment of how the proposal will service the needs of the local population/visitors/passing traffic and not undermine the viability of a centre.

## 5. COMMUNITY CONSULTATION

Effective community engagement and stakeholder identification is crucial to the planning and development of any major project. Engagement goes beyond simply informing stakeholders about project progress, decisions and actions or meeting the minimum statutory requirements for public notification (if required). It should provide opportunities for stakeholders to share local knowledge and values, communicate their interests and needs, and shape improved project outcomes. This is regardless of whether a project is required to undertake statutory public notification. It is recognised that community engagement does not always achieve consensus. However, it should provide genuine opportunities for community input from the outset of a project when there is a real chance to influence and inform project decision-making.

The proponent has engaged Balfour Consulting to prepare a Consultation Research Report. The purpose is to establish a framework to undertake community engagement prior to and parallel with this development application to help understand any issues and concerns of residents and businesses adjacent to the proposed project. This consultation strategy has three key objectives:

- 1) To identify any issues and concerns relating to the proposed development of a waterpark, beach club and hotel accommodation on the area of land bounded by Cluden racecourse, Stuart Drive and the Bruce Highway.
- 2) To provide accurate information to residents to counter any future possibility of misinformation from possible project opponents.
- 3) To allow the developers to report back to Townsville City Council on the consultation process and feedback from residents.

This strategy is being run in addition to, and complementary to, the statutory public notification requirements under the *Planning Act 2016*.

## 6. 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 for use rights in accordance with a Plan of Development in the interest of furthering the strategic intent of the planning scheme by achieving the highest and best use of land in response to unique site and locality specific social, economic and environmental factors. This variation request is accompanied by a standard development application seeking a development permit for a boundary realignment under the Planning Scheme.

This combined development application inherits the highest level of assessment and is therefore subject to an unbound *impact assessment* against the planning scheme as a whole, as well as any other assessment benchmarks identified below.

### 6.1 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.

The extent to which the applicant is proposing to vary the effect planning scheme has been carefully considered with the PoD drafted to reflect the layout of the planning scheme with the purpose statement and development code being a combination of new outcomes for the site and existing scheme elements. The purpose of the Plan of Development is to create a unique, landmark community destination providing for a range of integrated tourism, recreation, entertainment and accommodation activities that takes advantage of the sites sport and recreation zoning, proximity to high order transport infrastructure and high level of access to other existing urban infrastructure networks.

More specially, the purpose and vision of the Plan of Development is to establish a planning framework to deliver a landmark, integrated ‘waterplay’ based tourism and entertainment destination supported by a mix of support services that will establish a State significant social infrastructure asset for the community.

## 6.2 Assessment Benchmarks Pertaining to State Planning Instruments

### Matters Prescribed by Regulation

There are no assessment benchmarks prescribed by Regulation which are specifically relevant to the assessment of this development application, other than those already relevant under the State development assessment provisions.

### State Planning Policy

The Townsville City Council Planning Scheme confirms in section 2.1 *State planning policies* 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

The Townsville City Council Planning Scheme confirms in section 2.2 *Regional plan* that it has ministerial approval as having adequately integrated the Darling Downs Regional Plan. Meaning that demonstrated compliance with the planning scheme, in particular the Strategic Framework, constitutes demonstrated alignment with the strategies and policies of the Regional



Plan. While the Regional Plan has no components requiring direct statutory assessment against the proposal, the development is acknowledging of its strategies and policies and aligns with and advances the purpose and intent of the Regional Plan.

#### State Development Assessment Provisions

Under Schedule 10 of the Planning Regulation 2017, the development application triggers referral to Powerlink as an advice agency for assessment against the purpose of the Electricity Act and the Electricity Safety Act. The development application also triggers referral agency involvement and direct assessment against the SDAPs as follows:

Planning Regulation 2017 Trigger	Matters of Assessment
Schedule 10, Part 8, Division 2, Subdivision 3, Table 2, Item 1	State Development Assessment Provisions – <i>State Code 14: Queensland heritage</i>
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1	State Development Assessment Provisions – <i>State Code 6: Protection of state transport networks</i>
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1	State Development Assessment Provisions – <i>State Code 1: Development in a state-controlled road environment</i>

### 6.2.1 State Codes

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 5**. While a direct assessment has been provided, the applicant also relies upon the assessment provided in section 6.3 below to adequately establish context and compliance with the State codes.

## 6.3 Assessment Benchmarks Pertaining to Local Planning Instruments

The applicable planning scheme for the application is the Townsville City Council Planning Scheme and there are no other identified applicable local planning instruments.

#### Townsville City Council Planning Scheme

The Planning scheme includes tables of assessment which nominate the categories of development and assessment (levels of assessment) and nominate the assessment benchmarks for assessable development and the requirements for accepted development. The applicable tables of assessment for this development application are:

- Categories of development and assessment – Material change of use;
- Categories of development and assessment – Reconfiguring a lot; and
- Categories of development and assessment – Overlays.

It is noted that a Variation Requested is a mandated impact assessable development application under the Act/Regulation.

#### Local Government Infrastructure Plan

The development will not impact on the delivery of any planned trunk infrastructure in the immediate locality. Noting Council does not currently have an adopted LGIP.

#### Assessment Benchmarks Summary

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

Local Planning Instruments	
<b>Planning Scheme</b>	<p>The planning scheme as a whole</p> <p>Strategic Framework</p> <p>Sport and Recreation Zone code</p> <p>Airport environs overlay code</p> <p>Coastal environment overlay code</p> <p>Cultural heritage overlay code</p> <p>Flood hazard overlay code</p> <p>Healthy waters code</p> <p>Landscape code</p> <p>Reconfiguring a lot code</p> <p>Transport impact, access and parking code</p> <p>Works code</p>

The development application has been assessed against each of the applicable local level assessment benchmarks and found to be:

- compliant with the purpose and applicable outcomes from the relevant codes; and
- consistent with the strategic framework for the planning scheme.

A detailed assessment of the development proposal against the local level assessment benchmarks, including the Strategic Framework, is provided in **Appendix 4**.

## 6.4 Public Notification

The application is impact assessable and will be subject to public notification in accordance with the *Planning Act 2016* and Part 4 of the Development Assessment Rules.

## 7. CONCLUSION

This development application is a combined development application made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act). The application is seeking a preliminary approval for a material change of use to vary the effect of the Townsville City Council Planning Scheme for use rights in accordance with the **Townsville Waterpark, Hotel and Beach Club Plan of Development**. This development application is also seeking a development permit for reconfiguring a lot for a boundary realignment to ensure the underlying land title matches the proposed development footprint. The subject premises is described for the purpose of this development application as 1-105 Racecourse Road, Cluden QLD 4811 more particularly described as Lot 1 on SP101275 and Lot 2 on RP748152.

An assessment of the proposal was undertaken against the applicable assessment benchmarks and any relevant matters, which confirms that it is consistent with the provisions of the applicable planning instruments, specifically the Planning Scheme and State development assessment provisions. Council is therefore compelled to **approve** the development application pursuant to the rules of impact assessment established under the Act and issue a preliminary approval and development permit subject to the imposition of reasonable and relevant conditions and any referral agency responses.

## 7.1 Statement of Reasons

Subject to the imposition of reasonable and relevant conditions, the development can comply with the relevant assessment benchmarks and relevant matters against which the application is required to be assessed.

Sufficient justification has been provided and satisfactory grounds have been established to conclude that the proposed development is consistent with relevant local, State and Commonwealth planning instruments, in particular the Strategic Framework from the Planning Scheme. In substantive terms, this conclusion is based on the following reasons:

### **With specific reference to the Plan of Development:**

- The Plan of Development seeks to unlock the development potential of a large, strategically located, vacant brownfield land parcel.
- The development will be anchored by a community recreation activity that is in response to established, and long standing, social need and community demand and expectation.
- The proposed mix of uses provides commercial flexibility and economic resilience which can complement, and not detract from, the centres hierarchy.
- The Plan of Development seeks to encourage medium rise residential living opportunities, contributing to the delivery of dwelling stock and diversity in a key location.
- The proposed PoD reflects the highest and best use for the site, in particular as it relates to social and economic benefits to the community, and in doing so furthers the achievement of the strategic intent.

### **In general terms:**

- The development advances the purpose of the *Planning Act 2016*.
- The development aligns with and further the achievement of the State Planning Policy and North Queensland Regional Plan.
- The development is consistent with and advances the Strategic Intent established within the Strategic Framework from the Planning Scheme.
- The development allows the site to better contribute to the achievement of the Strategic Framework.
- The development responds to a direct and verifiable economic and social need.
- The development responds to an established overriding need for the use in the community interest.

- The development is or can be adequately serviced and will maintain the existing level and standard of servicing provided by the relevant infrastructure networks for users outside of the development.
- The site is not identified as being susceptible to any unacceptable or unmanageable natural hazard or infrastructure constraints.
- The development does not increase the susceptibility of people or property to natural hazards or other health risks.
- The proposal does not undermine the planning scheme.
- The proposal does not establish precedence that could result in the future undermining of the planning scheme.