



BNC Ref. DA056-26
Council Ref. MCU26/0048 (Assessment No. 4823008)

Date >> 28 July 2026

ASSESSMENT MANAGER
TOWNSVILLE CITY COUNCIL
PO BOX 1268
TOWNSVILLE QLD 4810
Via: Email

RE: APPLICANT RESPONSE TO ASSESSMENT MANAGER INFORMATION REQUEST – MATERIAL CHANGE OF USE DEVELOPMENT APPLICATION AT 3 GELLING CRESCENT, DOUGLAS QLD 4814

BNC Planning acting on behalf of the applicant, S. K. Mathew and E. Jacob, submits this response to the information request issued by Townsville City Council as assessment manager (dated 22 June 2026, Ref. MCU26/0048, Assessment No. 4823008), in accordance with section 13 of the Development Assessment Rules. The application seeks a development permit for a Material Change of Use for a Multiple Dwelling (three (3) dwelling units) at 3 Gelling Crescent, Douglas QLD 4814, Lot 61 on RP737887.

The applicant has responded by providing all of the information requested. A detailed response to each item of the information request is provided below.

ASSESSMENT MANAGER – TOWNSVILLE CITY COUNCIL – INFORMATION REQUEST

Request Item 1 – Amended plans

The applicant is requested to provide amended plans that detail the provision of private open space to each proposed unit.

Applicant's response

Amended plans (Site Layout Plan, Project No. 26-8309-OHC, Revision D, prepared by Nth Qld Construction Consulting Pty Ltd) are enclosed as Attachment A, identifying dedicated private open space for each of the two proposed new dwelling units (Unit 2 and Unit 3), delineated on the ground by new privacy fencing.

Unit 2 (ground floor): a fenced private open space area is provided directly adjoining the unit at ground level, with direct access from the dwelling and clear of the carport and driveway. The applicant confirms this area will be dimensioned on the final construction plans to demonstrate compliance with the minimum area (35m²) and minimum dimension (3m) requirements of AO29.1, and that it is located clear of site services and utilities.

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Unit 3 (first floor): private open space is provided as a dedicated, exclusively allocated ground floor courtyard adjoining the base of the external stair access, rather than as an elevated balcony under AO29.2. The applicant submits that a balcony of the minimum area required by AO29.2 (16m², given Unit 3 is a two-bedroom unit) is not a practical outcome for this site, as a balcony of that size would either reduce the internal floor area of the unit below a reasonable functional standard, or cantilever toward the side boundary and the adjoining unit in a manner inconsistent with the setback and amenity outcomes sought elsewhere in the code.

The applicant submits that the dedicated ground floor courtyard achieves the intent of PO29 – being private open space that is well-proportioned, appealing, functional and easily accessible, provides a high level of privacy for residents and neighbours, and is of sufficient size and shape to meet the needs of a diversity of potential residents – to a standard that meets or exceeds what a compliant balcony would provide. A ground level courtyard is also considered more appropriate to Townsville's climate, providing shaded, landscaped outdoor living space in preference to an exposed, elevated balcony. Privacy is reinforced by the new fencing shown on the amended plans, which physically separates the Unit 3 courtyard from the Unit 2 space and driveway.

The applicant acknowledges Council's advice that AO29.2 contemplates a balcony for units located above ground level, and requests that this alternative, performance-based approach to PO29 be accepted on its merits. The applicant welcomes Council's feedback on this aspect prior to a decision being made on the application.

Request Item 2 – Location of clothes drying facilities

The applicant is requested to identify the location of clothes drying facilities for each unit.

Applicant's response

Amended plans (Site Layout Plan, Project No. 26-8309-OHC, Revision D, Attachment A) identify a dedicated clothes line within each of the private open space areas for Unit 2 and Unit 3, located adjacent to each unit's fenced courtyard.

As the clothes drying facilities for both units are provided within ground level private open space areas rather than on a balcony, the 10% balcony area limitation under AO29.3 does not directly apply to either unit. The applicant submits that the identified clothes line locations are of a scale and position consistent with the amenity outcomes sought by the Low density residential zone code, and do not compromise the functionality or privacy of the balance of either private open space area.

Request Item 3 – Further justification regarding building over services

The applicant is requested to demonstrate how the proposed new building complies with the relevant provisions of QDC MP 1.4 – Building over or near relevant infrastructure with respect to its proposed siting over the existing sewer line.

Applicant's response

The applicant has given detailed consideration to QDC MP 1.4 – Building over or near relevant infrastructure (MP 1.4), Part 9.3.6 Works code and Planning Scheme Policy SC6.4.14 Public Utilities, in light of Council's advice that the proposed new building (Units 2 and 3) is sited over the existing sewer line and property connection.

Response to Council's options hierarchy

Option 1 (relocating the proposed structure elsewhere on the property) is not considered reasonably achievable. The site is a compact 692m² corner allotment with dual frontage to Gelling Crescent and Benton Court. The site layout retains the existing dwelling (Unit 1) and accommodates the new building (Units 2 and 3) within the balance of the developable envelope, at side boundary setbacks of 1.5m that already reflect the minimum standard under AO23.3 of the Low density residential zone code, and provides the six on-site car parking spaces required under Parking rates planning scheme policy SC6.10. There is no alternative footprint within the site that avoids the sewer alignment without breaching a boundary setback, reducing required car parking below the minimum rate, or increasing site cover beyond the 65% maximum under AO22.

Option 2 (re-aligning the sewer within the site via an operational works application) is also not considered the most appropriate outcome available. Given the compact and low-lying nature of the site, part of which is affected by the Flood hazard overlay along the Benton Court frontage, the length and fall available across the site to accommodate a re-aligned gravity main at Council's minimum required grade is limited. The applicant submits this is likely to enliven the very basis on which Council's Option 3 threshold applies.

On this basis, the applicant proposes to proceed on Option 3, being the removal of the existing 1983 sewer main and its replacement with a new main following the current alignment, via a future operational works application to allow detailed engineering assessment and design. This approach directly addresses the P1(c) risk identified above by ensuring the serviceable life of the sewer asset will generally match the life of the new residential building, is consistent with the age profile of the existing asset, and avoids the grade and lifecycle-cost difficulties associated with Option 2.

Option 4 is not available in this instance. Council's advice confirms this option applies only where the existing sewer assets have already been replaced with new assets within the proposed building location. The existing main is the original 1983 asset and has not been previously replaced, and Option 4 is therefore not enlivened, irrespective of the outcome of any CCTV condition assessment.

Property connection and easement matters

The applicant notes Council's advice that construction over the existing property connection is not supported. The precise location of the property connection relative to the new building footprint will be confirmed and addressed as part of the detailed design for the proposed sewer main replacement, to ensure the new building does not encroach over the connection.

On the basis of the above, the applicant requests that this response be accepted as adequately addressing Request Item 3, on the basis that: (a) a building development application incorporating an alternative solution for P1 and P2 of MP 1.4, certified by a suitably qualified RPEQ, will be submitted and referred to Council as the relevant service provider; and (b) an operational works application for the removal and replacement of the existing sewer main (Option 3) will be lodged to allow detailed engineering design and assessment, prior to any building work being carried out over the new main.

Summary

The applicant trusts the information provided in this response addresses each matter raised in the information request and provides sufficient basis for Council to continue its assessment of the development application. Please do not hesitate to contact the undersigned should any further information be required.



Kind regards,

Benjamin Collings, Director
BNC Planning Pty Ltd

Attachments:
Attachment A – Amended Site Layout Plan