

MP ref: M2353
DA ref: RAL25/0020
QA: ma.ms.mc

22 May 2025

Assessment Manager
Townsville City Council
PO Box 1268
TOWNSVILLE QLD 4810
Via: developmentassessment@townsville.qld.gov.au

Attention: Jayne Carter – Planning and Development

Dear Janyne,

Re: Response to Information Request
Development Application seeking a Development Permit for Reconfiguring a Lot
– Subdivision (One Lot into Two Lots) on land described as Lot 22 on RP736026
and located at 24 Macquarie Street, Jensen

On behalf of the Applicant, Milford Planning refer to the abovementioned development application and to correspondence dated **20 May 2025**, being the formal Information Request issued by Townsville City Council (Council) (refer **Attachment 1**).

In response to Council's Information Request, and in accordance with Section 13.2 of the Development Assessment Rules, we hereby provide a response to all of the information requested as detailed in **Table 1** below.

Table 1 – Response to Information Request

Item	Response
Item 1 Strategic Framework	<p>This item requested demonstration that the proposed subdivision is consistent with the Strategic Framework, indicating how the proposed lots can provide semi-rural lifestyles consistent with the intended character and amenity of the rural residential locality.</p> <p>In response to this item, it is noted that the proposed subdivision effectively formalises an existing arrangement and will not result in any new development or amenity outcomes beyond what has already been assessed and approved by Council. The Dual Occupancy currently on site</p>

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Table 1 – Response to Information Request

Item	Response
	<p>was approved in 2014 (MC14/0124) under the applicable planning scheme and has operated since that time with each dwelling functioning independently, supported by separate driveways, services, private open space, and landscaping.</p> <p>The proposed lot sizes are acknowledged to be below the minimum threshold identified for the Rural Residential; however, are notably significantly larger than typical urban residential allotments. Each proposed lot provides sufficient area to support low-density, semi-rural living consistent with the strategic intent for the Rural Residential Zone, including generous private open space and the retention of mature landscaping.</p> <p>The subdivision will not result in any increase to built form, site cover, or population density. Nor will it compromise rural character, environmental values, or infrastructure capacity. Rather, it reflects the long-established, Council-approved arrangement already present on the site. Any future development beyond the existing dwellings would remain subject to the relevant development assessment processes.</p> <p>The proposed development is considered an administrative step to align the cadastral arrangement with the way the site has long been used and understood. It does not create new development opportunity; but simply aligns the legal lot structure with an existing, lawful land use pattern, and in doing so, reinforces the City Plan's strategic vision. Given the above, and the intention to retain existing development on the site, Council were noted as being generally supportive of the proposal in prelodgement meeting discussions.</p>
Item 2 Rural Residential Zone Code	<p>This item requested demonstration of the proposed lots are clearly large enough and can accommodate semi-rural lifestyles including subordinate rural activities and/ or home-based businesses. Additionally, the proposed lot sizes are to be of a sufficient size to ensure the protection of environmental values and water quality objectives.</p> <p>In response to this item, the proposed development is consistent with the purpose and overall outcomes of the Rural Residential Zone Code, as it does not introduce any new use or intensification of the site. Rather, it seeks to formalise the existing dual occupancy arrangement that has operated lawfully since Council's original approval in 2014.</p> <p>Each proposed lot is capable of supporting the semi-rural lifestyle outcomes envisaged by the zone. While both lots are below the prescribed minimum area, they remain materially larger than standard residential lots and comfortably support detached dwellings, private open space, low site coverage, and the continued use of established service infrastructure. Both dwellings are largely serviced independently (driveways, sewer, electricity) and maintain substantial landscaped areas that reinforce the rural character of the locality.</p> <p>Importantly, the subdivision:</p> <ul style="list-style-type: none">▪ will not result in any new development, built form, or increase in dwelling yield;▪ does not involve vegetation clearing, excavation, regrading, or any works that would disturb soil, hydrology, or drainage patterns;



Table 1 – Response to Information Request

Item	Response
	<ul style="list-style-type: none">▪ maintains all existing stormwater flows, which currently discharge via spoon drains to Macquarie Street—consistent with lawful point-of-discharge requirements;▪ retains established septic systems and landscaping in their current, operational configuration;▪ involves no change to existing effluent disposal arrangements; and▪ ensures that no runoff, erosion risk, or pollutants are introduced as a result of the subdivision. <p>Accordingly, the proposal poses no risk to environmental values or water quality objectives, as there is no physical intervention occurring on the land. The proposed boundaries align with the existing fence line, and the site will continue to operate as it currently does, with formalised titles that reflect the existing land use pattern.</p> <p>The subdivision also:</p> <ul style="list-style-type: none">▪ will not affect the visual or acoustic character of the locality;▪ will not constrain nearby rural land or alter ecological buffers; and▪ preserves the site’s ability to accommodate small-scale home-based business or rural uses, in accordance with the planning scheme. <p>As such, the proposed development does not represent an expansion, intensification, or alteration of land use. It purely seeks to reflect a long-standing and approved physical arrangement. Although the proposal does not meet the acceptable outcomes for minimum lot size, it demonstrably satisfies the relevant performance outcomes by maintaining the intended character and functional capacity of the land.</p>
Item 3 Reconfiguring a Lot Code	<p>This item requested demonstration of consistency with the intended character of the zone, to demonstrate proper compliance with PO26 and PO27 of the Reconfiguring a Lot Code, to ensure that further development is possible on the site.</p> <p>In response to this item, the proposed development is consistent with the intent and performance outcomes of the Reconfiguring a Lot Code, particularly PO26 and PO27, which relate to lot size, function, and character.</p> <p>It is acknowledged that the proposed lot sizes are below the 4,000 m² minimum stipulated in Table 9.3.4.3(c) for the Rural Residential Zone. However, the proposed configuration does not reflect a new development pattern or increased intensity of use, but rather formalises a long-established and Council-approved Dual Occupancy arrangement.</p> <p>Both proposed lots are:</p> <ul style="list-style-type: none">▪ regular in shape and of sufficient frontage (exceeding 40 m minimum);▪ capable of accommodating detached dwellings, onsite wastewater systems, open space, vehicle access and parking, landscaping, and all required infrastructure;▪ already functioning as independent residences, with individual driveways, utility connections, and yard space; and



Table 1 – Response to Information Request

Item	Response
	<ul style="list-style-type: none">▪ free from any physical changes or extensions that would alter drainage, vegetation, amenity, or environmental values. <p>In terms of character, the lots maintain the low-density, semi-rural setting of the locality and are consistent with nearby allotments.</p> <p>Critically, the subdivision does not facilitate any form of fragmentation or alienation of rural land resources, nor does it introduce development that would be inconsistent with the existing or intended landscape character. The arrangement of built form and boundaries on the site will remain exactly as it has been since construction of the existing built form.</p> <p>Council’s concern that the subdivision must demonstrate consistency not just with the existing built form, but with the broader intent for land subdivision has been considered in full. In this case, the proposal does not seek to introduce new housing product or suburban form, nor to increase service demand. Instead, it gives formal cadastral recognition to a situation that already satisfies the intent of the code and the zone. It is also noted that Council’s initial approval of the existing built form is considered to demonstrate a level of acceptance that an arrangement of this nature – detached, separately serviced and fenced housing – is consistent with the character of the locality.</p> <p>Accordingly, it is submitted that the proposed subdivision:</p> <ul style="list-style-type: none">▪ complies with PO26 by aligning with the established and intended character of the Rural Residential Zone and maintaining adequate size for water quality protection and semi-rural living; and▪ complies with PO27 by creating regular-shaped lots that support the continued use of existing dwellings and infrastructure, with no need for redesign, reconfiguration, or additional works.
Item 4 On-site wastewater system locations	<p>This item requests clarification regarding existing on-site wastewater systems for each dwelling demonstrated by a plan prepared by a qualified person, indicating the locations of the existing wastewater systems on each proposed new lot.</p> <p>In response to this item, it is noted that the proposed layout plan appended to the original development application nominates the location of each dwelling’s septic system. The plan (refer Attachment 2) demonstrates the location of the systems, that were identified and ground truthed by a surveyor on site. As demonstrated in this plan, no infrastructure is within proximity to the existing fence line, being the proposed formal boundary, and thus are appropriately located to contain all components within each proposed lot.</p>



Proceeding

We trust the above and attached information is sufficient to allow Council to assess the development application. If Council is of the view that the response does not appropriately address the Information Request, we request the opportunity to meet to discuss further.

If you have any questions regarding this correspondence, please contact the undersigned or Matteo Sandona on TEL: (07) 4724 0095.

Yours sincerely,

MILFORD PLANNING

Macy Atkinson
TOWN PLANNER

Encl: Attachment 1 – Council Information Request
Attachment 2 – Proposed layout plan prepared by Vision Surveys

Attachment 1



Date 20 May 2025

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Dear Sir/Madam

Information Request

Planning Act 2016

As per our telephone conversation on 20 May 2025, please be advised that, upon review of the below 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 further subdivision of rural residential zoned land (particularly where they are under the minimum lot size) beyond what has already been zoned is inconsistent with the intent of the Townsville City Plan.

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.

Application Details

Application no:	RAL25/0020
Assessment no:	12108023
Proposal:	Lot Creation - One (1) Lot into Two (2) Lots
Street address:	24 Macquarie Street JENSEN QLD 4818
Real property description:	Lot 22 RP 736026
Applicant's reference:	M2353

The information requested is set out below

Request Item 1 - Strategic framework

The applicant is requested to demonstrate that the proposed development is consistent with the Strategic framework, demonstrating how the proposed lots are capable of providing semi-rural lifestyles consistent with the intended character and amenity of the rural residential locality.

Reason

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

Request Item 2 - Rural residential zone code

The applicant is requested to demonstrate that the proposed development is consistent with the purpose of the Rural residential zone code. The purpose of the Rural residential zone code clearly expresses that lots are of a large size which can accommodate semi-rural lifestyles including subordinate rural activities and/or home-based businesses. Lot sizes are also to be of a sufficient size to ensure the protection of environmental values and water quality objectives.

Reason

To demonstrate compliance with the Rural residential 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 applicant is requested to demonstrate that the proposed lot size and design is consistent with the code. Please rationalise how the lots, which are well below the minimum lot size, are consistent with the intended character of the zone.

Reason

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

Advice

It is acknowledged that the application material claims compliance with PO26 and PO27 of the code due to the established Dual occupancy however, while the Dual occupancy approval endorsed the built form, further development of the site by way of subdivision needs to demonstrate the proposed lots (not just the buildings) are consistent with intended character of the zone.

Request Item 4 - On-site wastewater system locations

The applicant is requested to demonstrate that existing on-site wastewater systems for each dwelling (including all necessary components such as tanks, treatment devices, pipes, effluent disposal areas, trenches, etc.) are wholly located within the proposed lot containing that dwelling.

Reason

To demonstrate compliance with the Reconfiguring a Lot and Works codes of the Townsville City Plan.

Advice

A plan prepared by a qualified person should be supplied, showing the locations of the existing wastewater systems on each the proposed new lots. If required to ensure that the systems are wholly within each lot, the system/s and/or the proposed lot boundary must be amended/relocated.

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 Jayne Carter A/Senior Planner on telephone 07 4727 9428, or email developmentassessment@townsville.qld.gov.au.

Yours faithfully



For Assessment Manager
Planning and Development

Attachment 2



IMPORTANT NOTE
DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY AND LOCAL AUTHORITY APPROVAL

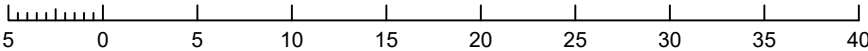
LEGEND

- FENCE LINE
- OVERHEAD ELECTRICAL
- POWER POLE
- WATER METER
- SEPTIC SYSTEM

NOTES

- THE TITLE BOUNDARIES SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY, AND HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY AND NOT BY FIELD MEASUREMENT.
- IMAGE SOURCE: NEARMAP

Scale 1:400 - Lengths are in Metres.



This plan was prepared as a proposed subdivision and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealing involving the land. This note is an integral part of the plan.

PROPOSAL PLAN

Project:	ROL - 1 LOT INTO 2 LOTS		
Location:	24 MACQUARIE STREET, JENSEN (LOT 22 ON RP736026)		
Client:	GAVIN AND CATHY DIXON		
Local Authority:	TOWNSVILLE CITY COUNCIL		
Horiz. Datum:	RP736026	Vert. Datum:	N/A



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Scale: 1:400		Drawing No: 24948-PP01	
Sheet Size: A3		Sheet: 1 of 1	
Surveyed: JH		Revision: A	

Rev	Description	Drawn	Checked	Date
A	DA ISSUE	AD	JH	21/10/2024