



BNC Ref. DA133-25
TCC Ref. MCU25/00679

>> 4 December 2025

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

**RE: APPLICANT RESPONSE TO ASSESSMENT MANAGER INFORMATION REQUEST
PRELIMINARY APPROVAL – VARIATION REQUEST TO OVERRIDE THE PLANNING SCHEME MCU25/0079
11 BLACK HAWK BOULEVARD, THURINGOWA CENTRAL QLD 4817 (RPD: LOT 10 ON SP177384)**

BNC Planning acting on behalf of the applicant submits this response to the *information request* issued by the Townsville City Council as assessment manager, in accordance with section 13 of the Development Assessment Rules. The information request is dated 28 November and is associated with a development application for a Variation Request under s50 of the *Planning Act 2016* to override the Townsville City Plan (the planning scheme) to establish use rights in accordance with the Black Hawk Boulevard Plan of Development over the above referenced premises.

The applicant has responded by providing all of the information requested or has provided a suitable alternative outcome. A detailed response to each item from the requests is provided below.

Request Item 1 – Amended Plan of Development

The applicant is requested to address the following matters regarding the Plan of Development:

- a) *Provide amended tables of assessment for the Plan of Development to align with the table of assessment in the Townsville City Plan applicable to the Thuringowa centre support sub-precinct.*
- b) *Update the tables of assessment to include the full name of the Plan of Development, being: “Blackhawk Boulevard Plan of Development Code”.*
- c) *Include table of assessment triggers within the tables of assessment of the Plan of Development for the following:*
 - *Townsville City Plan overlay*
 - *Reconfiguration of a lot*
 - *Operational works*
- d) *The Plan of Development is to be amended to include the assessment benchmarks associated with the Thuringowa centre support sub-precinct. This will ensure the precinct-based acceptable outcomes over the broader site take precedence and the development over the site continues to facilitate the urban outcomes sought for this*

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locality such as boulevard treatments, pedestrian connections, streetscape improvements and the facilitation of new road linkages between Blackhawk Boulevard and the residential neighbourhood to the south.

APPLICANT'S RESPONSE

The response below has been prepared following consultation with Council to ensure the request items have been accurately interpreted.

- a) This item is understood to be a catch-all statement. In addressing the balance of the request items and the Advice note, this item is satisfied.
- b) The Plan of Development has been amended to consistently refer to itself as the *Black Hawk Boulevard Plan of Development* and not just the Plan of Development.
- c) As discussed with Council, the Plan of Development is only seeking to vary the material change of use provision of the planning scheme. Specifically, just the categories of development and assessment. It is common and accepted practice that only the extent to which the variation is sought be included in the Plan of Development. Adding a section for Overlays, Reconfiguring a lot and Operational works only to state that these provisions are cut and paste from the planning scheme does not value add and only serves to make the Plan of Development more complicated and cumbersome. If these changes were warranted, then it would also hold true for the building work provisions, the planning scheme policies, the use and administrative definitions, the mapping, etc.

The approach taken by the applicant to address this matter has been to bolster the language in the Plan of Development to make it excessively clear that only the material change of use provisions are being overridden. All other components of the scheme remain applicable. This is further complimented by the removal of the Plan of Development Code, in that the size and complexity of the Plan of Development is further reduced, aiding interpretation and functionality.

- d) The intent of the Plan of Development is primarily to introduce new commercially viable uses into the code assessable and below categories of development and assessment for the site. As is evident, this has been done by starting with the current material change of use table of assessment from the planning scheme as it applies to the site, and refining the list of uses based on the recommendations of an Economic Impact Assessment. Some uses that the applicant feels are not warranted or sustainable given the specific site characters have been removed. However, overall, the tables of assessment remain overwhelmingly consistent with the current provisions of the planning scheme. In light of this, the applicant has responded to this item by removing the Plan of Development Code and simply referring to the Major centre zone code in the assessment benchmark column from the tables of assessment within the Plan of Development.

Initially, it was considered useful to create a Plan of Development Code that would refine the acceptable outcomes and performance outcomes to be tailored to the updated use table and the specific characteristics of the site itself. However, upon further reflection and in light of the matters raised in the information request, it is considered more appropriate to simply continue to apply the zone code from the planning scheme. As such, to ensure the development aligns with the objectives of the planning scheme, specifically the zone and sub-precinct outcomes, the Plan of Development Code has been removed and the categories of development and assessment table updated to refer users back to the Major center zone code for assessment.

Advice

Council envisions the Plan of Development to facilitate an extension of the existing Thuringowa centre support sub-precinct. The assessment provisions for the precinct identify shops and shopping centre as impact assessable within this location. In particular, PO66 of the Major centre zone code clearly states that supermarket and discount department store retail uses do not occur in this sub-precinct. Accordingly, a revised Economic Impact

Assessment is required. The revised report must demonstrate that supporting these uses within this location would not compromise the intended role and successful functioning of the hierarchy of centres within the Townsville City Plan.

APPLICANT'S RESPONSE

This advice note is understood to be partially borne from a misinterpretation of the Plan of Development. It is confirmed that Shopping Centre uses are not included as code assessable or below in the tables of assessment. It is also clarified that Shop uses at the nominated GFA limit in the tables of assessment were copied verbatim from the planning scheme.

It is acknowledged that supermarket and discount department stores are not suited to the site and as such the Plan of Development has been amended to introduce separate provisions for a Shop use whereby the GFA limit is reduced from the 6,000m² nominated in the planning scheme down to only 1,000m².

SUMMARY

For clarity, this correspondence constitutes the applicant response to the information request issued by the assessment manager under section 13 of the *Development Assessment Rules*.

I trust the additional common material included in this response provides sufficient information to allow the assessment of the development application to proceed. Should there be any issues, or should additional information be required, please contact me.

Kind regards,



Benjamin Collings, Director
BNC Planning Pty Ltd
Att.



**BLACK HAWK BOULEVARD
PLAN OF DEVELOPMENT**

**ASSOCIATED WITH A DEVELOPMENT APPLICATION
FOR A PRELIMINARY APPROVAL - VARIATION
REQUEST UNDER SECTION 50 OF THE PLANNING
ACT 2016**

**11 Black Hawk Boulevard
THURINGOWA CENTRAL QLD 4817
Lot 10 on SPI77384**

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PLAN OF DEVELOPMENT

BLACK HAWK BOULEVARD PLAN OF DEVELOPMENT

ASSOCIATED WITH A DEVELOPMENT APPLICATION FOR A PRELIMINARY APPROVAL
PLANNING ACT 2016

IMPACT ASSESSABLE MATERIAL CHANGE OF USE – VARIATION REQUEST UNDER s50 OF THE PLANNING ACT
2016

11 BLACK HAWK BOULEVARD
THURINGOWA CENTRAL QLD 4817

being

LOT 11 ON SP177384

DOCUMENT CONTROL

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APPENDICIES

Schedule 1 Definitions

Appendix 1 Plan of Development Area

1.0 Preliminary

1.1 Introduction

The *Black Hawk Boulevard Plan of Development* (the Plan of Development) has been prepared as a framework for managing the future development of land addressed as 11 Black Hawk Boulevard, Thuringowa Central QLD 4817 more particularly described as being Lot 10 on SP177384. See **Appendix 1 – Plan of Development Area**.

1.2 Vision and Character

The Plan of Development seeks to create a unique mixed use commercial and medium density residential destination supported by commensurate low impact industrial activities, that takes advantage of demonstrated economic opportunities created by the sites endemic setting and characteristics. This includes leveraging the existing infrastructure and connections to further enhance the precinct's character and promote a distinct sense of destination and identity.

The greenfield site is an urban infill property which offers the opportunity to create a modern sense of place through considered place-making urban design outcomes. The character and streetscape should foster a clear sense of destination and place making while balancing the interests and needs of a select range of commercial, residential and industrial activities, as well as the established framing environment. This will expand upon the utility of the site and significantly improve the extent to which future development outcomes can align with, and further the achievement of, the purpose and overall outcomes established for the Thuringowa Central Major Centre and Medium Density Residential Zone under the Townsville City Council Planning Scheme.

The intention is to facilitate the highest and best use of the site, to deliver investment flexibility and confidence and expand the range of activities within the Thuringowa Central Major Centre. Concurrently, the Plan of Development acknowledges and encourages the need for medium density housing outcomes and offers a platform to effectively integrate these activities into a mixed use precinct without compromising on amenity.

1.3 Applicability

The provisions of the Plan of Development apply to the Plan of Development Area identified in **Appendix 1**.

1.4 Extent of Variation

The intent of the Plan of Development and the extent to which it seeks to vary the Townsville City Plan is described below:

- define the extent to which the associated development application seeks to vary the effect of the Townsville City Plan;
- establish the area to which the Plan of Development is applicable (the Plan of Development Area);
- set levels of assessment for future development by way of a Table of Assessment;
- set assessment benchmarks for future development by way of a Table of Assessment;
- establish a Plan of Development Code applicable to development within the Plan of Development Area;

- establish an ongoing application framework which will ensure an efficient development assessment process for future uses.

Note – the *Black Hawk Boulevard Plan of Development* only seeks to vary the material change of use provisions within the planning scheme for the site. It provides new material change of use tables of assessment which change the current categories of development and assessment applied under the planning scheme. The assessment benchmarks for development remain as per the planning scheme in that there is no new POD Code proposed as part of this Variation Request.

1.5 Relationship with the Planning Act 2016

The *Black Hawk Boulevard Plan of Development* forms part of the parent development application made under section 50 of the *Planning Act 2016* (the Act) seeking a Preliminary Approval to vary the effect of a local planning instrument (Townsville City Plan) as it applies to the Plan of Development Area, pursuant to section 61 of the Act.

2.0 Purpose Statement

- (1) The purpose of the *Black Hawk Boulevard Plan of Development* is to further expand upon and support the Thuringowa Central major centre precinct by further diversifying commensurate commercial and residential activities to take advantage of the opportunity for new development on a greenfield site that has access to a high level of urban infrastructure and high proximity to other centre activities.

More specially, the purpose and vision of the *Black Hawk Boulevard Plan of Development* is to establish a planning framework for new use rights to facilitate future development outcomes that better facilitate economic growth in way that continues to align with the Major centre zone and Medium Density Residential Zone under the Townsville City Council Planning Scheme, and proves a greater range of services to the local community.

- (2) The purpose of the *Black Hawk Boulevard Plan of Development* will be achieved through the existing assessment benchmarks within the planning scheme.

3.0 Categories of Development and Assessment

3.1 Preliminary

The table of assessment identifies the categories of development and assessment and the assessment criteria for development within the *Plan of Development Area*.

3.2 Reading the Table of Assessment

The table identifies the following:

- (1) The category of development:

- (a) prohibited;
 - (b) accepted, including accepted with requirements; and
 - (c) assessable development that requires code or impact assessment
- (2) The category of assessment, being code or impact, for assessable development in:
- (a) The *Plan of Development Area* and, where used, a precinct or sub-precinct of a zone.
- (3) the assessment benchmarks for assessable development and requirements for accepted development, including:
- (a) whether a Plan of Development code or specific provisions in the *Plan of Development code* apply (shown in the 'assessment benchmarks for assessable development and requirements for accepted development' column);
 - (b) if there is an overlay:
 - (i) whether an overlay code applies (shown in Table 5.9.1 of the Townsville City Plan); or
 - (ii) whether the assessment benchmarks as shown on the overlay map (noted in the 'assessment benchmarks for assessable development and requirements for accepted development' column) applies;
 - (c) any other applicable code(s) (shown in the 'assessment benchmarks for assessable development and requirements for accepted development' column).
 - (d) any requirements for accepted development which will need to be met in order for the development to remain accepted.
- (4) any variation to the category of assessment (shown as an 'if' in the 'Categories of development and assessment' column) that applies to the development.

3.3 Determining the Categories of Development and Assessment

The process for determining a category of development and category of assessment is:

For a material change of use:

- (a) establish the use by reference to the use definitions in Schedule 1;
- (b) identify if any overlay's apply to the development area, by reference to the overlay mapping in Schedule 2 of the Townsville City Plan;
- (c) determine the category of development and assessment by reference to *Table 1 – Categories of Development and Assessment – Plan of Development*;
- (d) determine the assessment benchmarks by reference to *Table 1 – Categories of Development and Assessment – Plan of Development*;
- (e) if an overlay applies, refer to section 5.9 Categories of development and assessment-Overlays within the Townsville City Plan, to determine if the overlay further changes the category of development or assessment; Where an aspect of development is proposed on premises included in more than one precinct or overlay, category of development and assessment for that aspect is the highest category for each aspect of the development under each of the applicable development area or overlays;
- (f) Where development is proposed on premises partly affected by an overlay, the category of development for assessment for the overlay only relates to the part of the premises affected by the overlay;
- (g) If development is identified as having a different category of development or category of assessment under a precinct than under an overlay, the highest category of development or assessment applies as follows:

- i) accepted development subject to requirements prevails over accepted development;
 - ii) code assessment prevails over accepted development where subject to requirements and accepted development;
 - iii) impact assessment prevails over code assessment, accepted development where subject to requirements and accepted development.
- (h) Despite all of the above, if development is listed as prohibited development under schedule 10 of the Regulation, a development application cannot be made.

This *Black Hawk Boulevard Plan of Development* only seeks to vary the material change of use provisions from the Townsville City Plan. For all other development types i.e. Reconfiguring a lot, Operational works and Building works, the provisions of the Townsville City Plan apply. For further clarity, the Overlay and any Local Area provisions of the planning scheme also apply.

3.4 Categories of Development and Assessment – Plan of Development

The following table identifies the categories of development and assessment and the corresponding assessment benchmarks for assessable development and accepted development for material change of use development within the *Plan of Development Area*. The *Black Hawk Boulevard Plan of Development* only applies to material change of use development. For other development types the provisions of the Townsville City Plan apply.

Table 1 – Categories of Development and Assessment – Plan of Development

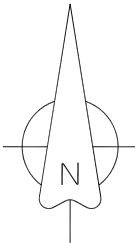
Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dwelling unit Home based business Landing Park	Accepted development	
		No assessment benchmarks apply
Major electricity infrastructure Substation Utility installation	Accepted development	
	If provided by a public sector entity.	No assessment benchmarks apply
Telecommunications facility	Accepted development	
	If aerial cabling for broadband purposes.	No assessment benchmarks apply
	Assessable development - Code assessment	
	Otherwise	Major centre zone code Healthy waters code Landscape code Transport impact, access and parking code Works code
Car wash Caretaker's accommodation Child care centre Community care centre Community residence Community use	Accepted development subject to requirements	
	If in an existing building and not involving more than minor building work	Major centre zone code Works code
	Assessable development - Code assessment	

Club Dwelling unit Educational establishment Emergency services Hardware and trade supplies Health care services Indoor sport and recreation Low impact industry Market Multiple dwelling Place of worship Residential care facility Retirement facility Rooming accommodation Sales office Service station Short-term accommodation Veterinary services Warehouse	Otherwise	Major centre zone code Healthy waters code Landscape code Transport impact, access and parking code Works code
Adult store Food and drink outlet Office Service industry Showroom	Accepted development subject to requirements	
	If in an existing building and not involving more than minor building work	Major centre zone code Works code
	Assessable development - Code assessment	
	If: (a) not accepted development subject to requirements; and (b) the gross floor area does not exceed 6,000m ² . Editor's note—The gross floor area threshold is calculated for a new use or an extension to an existing use. It is not the cumulative total of the existing centre and the additional gross floor area forming part of the development application.	Major centre zone code Healthy waters code Landscape code Transport impact, access and parking code Works code
Shop	Accepted development subject to requirements	
	If in an existing building and not involving more than minor building work	Major centre zone code Works code
	Assessable development - Code assessment	
	If: (c) not accepted development subject to requirements; and (d) the gross floor area does not exceed 1,000m ² . Editor's note—The gross floor area threshold is calculated for a new use or an extension to an existing use. It is not the cumulative total of the existing centre and the additional gross floor area forming part of the development application.	Major centre zone code Healthy waters code Landscape code Transport impact, access and parking code Works code

Outdoor sales Parking Station Relocatable home park	Assessable development – Code assessment	
		Major centre zone code Healthy waters code Landscape code Transport impact, access and parking code Works code
Any other use not listed in this table. Any other undefined use.	Assessable development - Impact assessable	
		The planning scheme The Plan of Development

APPENDIX 1

PLAN OF DEVELOPMENT AREA PLAN



BLACK HAWK BOULEVARD PLAN OF DEVELOPMENT AREA

11 Black Hawk Boulevard
THURINGOWA CENTRAL QLD 4817
Lot 10 on SP177384

Property Details
Site Address: 11 Black Hawk Boulevard
THURINGOWA CENTRAL QLD 4817
Real Property Description: Lot 10 on SP177384
Tenure: Freehold
Site Area: 44,190m² (4.419 ha)
Road Frontage: Black Hawk Boulevard, Regiment Court,
Gregory Street
Planning Scheme Zoning: Major Centre Zone
Precincts: Thuringowa Central Major Centre Precinct

- Notes**
- Plan and detail is not for construction purposes
 - All site dimensions to be confirmed by detailed survey
 - No new road reserves
 - No existing or proposed public open space
 - No new retaining walls or retaining structures
 - No land to be dedicated for community purposes
 - No building envelopes proposed
 - Any existing and/or new easements as shown
 - The site may be subject to 1%AEP DFE flooding

- Data Source**
- DCDB as taken from unconfirmed survey source
 - Queensland Globe

PLAN OF DEVELOPMENT AREA Black Hawk Boulevard Plan of Development

AMT	DESCRIPTION	BY	DATE	Drawn	Drawn
A	DA ISSUE	BNC	October 2025	October 2025	BNC
				Scale:	As shown
				Job No:	DA133-25
				Approved:	BNC
DRAWING STATUS:				BNC Ref No:	133-25
DA Issue				Drawing No:	S01-01
				Rev:	A

SCHEDULE 1

DEFINITIONS

SCHEDULE 1 Use definitions

All use definitions applicable for the purpose of applying this Plan of Development are to be taken from Schedule 1 of the Townsville City Council Planning Scheme 2014 (City Plan 2014) as it occurs at the date of the approval of this Plan of Development, with the exception of any variations outlined in **Table SC1.0** below:

Table SC1.0—Use definitions

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples