

MP ref: M2321
QA: ma.gm.mc

16 May 2025

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

Attention: Planning and Development

Dear Sir/ Madam,

Re: Development Application seeking a Development Permit for Material Change of Use – Health Care Services (Mental Health Service) on land described as Lots 13 & 14 on RP734832 and located at 131 & 133 Thuringowa Drive, Kirwan

On behalf of the Applicant, Milford Planning hereby make the enclosed development application seeking the abovementioned development approval on the abovementioned land in accordance with Section 51 of the *Planning Act 2016*.

Assessment Fee

The relevant assessment fee for the proposed development has been calculated below in accordance with Townsville City Council's (Council) Schedule of Fees and Charges 2024/25.

Component	Calculation	Fee
Health Care Service	\$2,224.00 where not exceeding 100m2 of GFA + \$417.00 for each 100m2 of GFA or part thereof exceeding 100m2 \$2,224.00 + \$417.00 = \$2,641.00	\$2,641.00
Impact Assessment	\$1,112.00 per application	\$1,112.00
TOTAL ASSESSMENT FEE:		\$3,753.00

We request that payment options are made available following receipt of this application, in order to facilitate payment of the above assessment fee.

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Proceeding

We look forward to working with Council to progress the proposed development and request the opportunity to discuss any queries or further information that may be required prior to the issue of any formal correspondence.

In the instance that Council requires no further information, we look forward to receipt of Council's Confirmation Notice to facilitate referral of the development application to the State.

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

Yours sincerely,

MILFORD PLANNING


Electronic

George Milford
DIRECTOR

Encl: Development application package

Applicant **Deep Speak**

Reference **M2321**

Date **May 2025**

Development Application

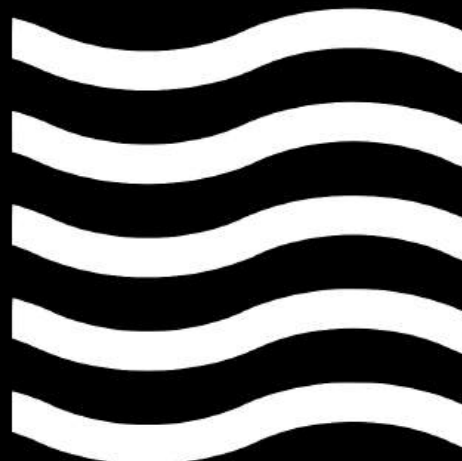
Proposed
Development

**Material Change of Use –
Health Care Services
(Mental Health Practice)**

Property
Details

**Lots 13 & 14 on
RP734832**

**131 & 133 Thuringowa
Drive, Kirwan**







DOCUMENT CONTROL

Applicant	Deep Speak
Proposed Development	Material Change of Use – Health Care Services (Mental Health Practice)
Contact	George Milford

Quality Assurance

Date 16.5.25 Version 1 Issue Final Template DA-STN-1	 Macy Atkinson TOWN PLANNER	 George Milford DIRECTOR
	Author	Reviewer

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APPENDICES

Appendix 1	DA Form 1; and land owner's consent
Appendix 2	SmartMap; and site aerial plan of the subject site
Appendix 3	State Assessment Referral Agency mapping
Appendix 4	Proposed development plans
Appendix 5	TCC Show Cause Notice



1.0 INTRODUCTION

1.1 Purpose

The purpose of this development application is to seek approval for Material Change of Use – Health Care Services (Mental Health Practice) (the proposed development) under the provisions of the *Planning Act 2016* (the Act).

The purpose of this report is to provide information about the site on which the subject development is proposed, detail of the proposed development, and an assessment against the relevant assessment benchmarks. The assessment detailed in this report has been undertaken in accordance with the provisions and subordinate planning controls under the Act.

1.2 Structure

This report provides the following information with respect to the assessment of the proposed development:

- overview of the site and surrounding area;
- description of the proposed development;
- overview of the relevant assessment framework;
- assessment of the proposed development against the relevant assessment benchmarks;
- other relevant matters; and
- conclusion and recommendation.

This development application is made in accordance with Section 51 of the Act and contains the mandatory supporting information specified in the applicable DA Form. **Appendix 1** comprises DA Form 1 and the accompanying land owner's consent.



2.0 SUBJECT SITE

2.1 Site Parameters

The following parameters are applicable to the site of the proposed development (the subject site).

Property Owner	Lot 13 – Cavati Family Holdings Pty Ltd (TTE) Lot 14 – Rodney William Lowe & Robyn Maree Lowe (refer Appendix 1)
Street Address	131 & 133 Thuringowa Drive, Kirwan
Formal Description	Lots 13 & 14 on RP734832
Site Area	13RP734832 – 714 m ² 14RP734832 – 750 m ² (refer Appendix 2)
Easements	The land is not burdened by any easements.
Street Frontage	20 m
Topography	The site has generally even topography.
Existing Use	Office
Existing Infrastructure	The site is serviced by the following infrastructure: <ul style="list-style-type: none">▪ reticulated water (Council);▪ reticulated sewer (Council);▪ electricity (Ergon); and▪ telecommunications (NBN).
Local Heritage Register	The site is not listed on the Local Heritage Register.
Contaminated Land	The land is not known to be included on the State Environmental Management Register or Contaminated Land Register.
Relevant State Interests	The following State interests are relevant to the proposed development as detailed in the State Assessment Referral Agency (SARA) mapping (refer Appendix 3): <ul style="list-style-type: none">▪ State transport infrastructure – site located within 25 m of a State-controlled road.



2.2 Surrounding Area

North	Low density residential and health care services (Ability Prosthetics & Orthotics Townville).
East	Low density residential uses and Garden Grove Crescent.
South	Low density residential and health care services (Phoenix Podiatry Centre).
West	Thuringowa Drive, Castlemaine Street, Western Suburbs Veterinary Clinic and commercial uses (shops, food and drink outlets, service stations).



3.0 PROPOSED DEVELOPMENT

3.1 Description of Proposed Development

The proposed development involves a Material Change of Use – Health Care Services (Mental Health Practice). Specific detail of the proposed development is provided below.

Purpose of Development

This application is being made in response to a Show Cause Notice, issued 5 January 2024 (refer **Appendix 5**), which determined that a health care service was operating unlawfully on the site, as no relevant development approval was in place. It is noted that historic approvals exist over the site for commercial office uses, however, no such approvals make allowances for a health care service such as the proposed mental health practice.

The proposed development intends to utilise the existing building on the subject site, retrofitting the interior for use as a mental health facility, Deep Speak, that offers a range of psychology, counselling and social work services. The area is characterised by many similar low density residential scale buildings, occupied by non-residential uses, including a number of health care services.

Design Overview

The change in use is not proposed to involve any structural alterations to the existing built form of the site. All changes to the existing building are internal and minor in nature, involving repurposing rooms to fit the needs of the business to operate on the site.

Full plans detailing the proposed layout are provided in **Appendix 4**.

Operational Overview

The proposed use is anticipated to operate between 8:00 am and 6:00 pm Monday to Saturday. The office will not operate on Sundays.

While in-person counselling and therapy sessions at the practice are offered by Deep Speak, many clients are engaged through virtual consultation, or outreach sessions off site. It is estimated that approximately 50% of all consultations are held face-to-face at the subject site.

Scale and Intensity

The proposed development does not seek to expand the building footprint outside of the existing structure on site.



The practice employs four consultant staff and two administrative staff. However, due to the scheduling and variation of consultation appointments and employee work schedules, the number of staff on site at any given time is not likely to exceed four, with a maximum of two practitioners seeing clients in person on the site at any given time.

Access and Parking

Currently, the subject site offers only two parking spaces, at the front of the property. While the operations of the proposed use are minimal, additional parking provisions would ensure that employees and customers are not forced to use street parking on Thuringowa Drive, of which availability fluctuates significantly throughout the day.

In order to retain the existing structure and ensure that an active street frontage is presented to the greatest degree possible, it is proposed to establish additional parking at the rear of the lot, behind the existing building. This will involve a new access driveway, proposed along the shared boundary between Lots 13 and 14, over which an easement is proposed to maintain right of way for both lots.

The proposed access drive will be a single lane between the buildings, as there is insufficient space to allow for two way movement in this section. Nevertheless, the rear parking area will be designed to accommodate vehicles turning to exit the site in a forward motion. The volume of traffic anticipated on the site, consisting mostly of staff and occasional clients, is considered low enough that there is a relatively low chance of two vehicles in opposite directions meeting at the driveway. With respect to this, in the instance two vehicles were to use the driveway at once on opposing direction:

- there is sufficient line of sight for vehicles to not enter the driveway to avoid conflict;
- the driveway is very short, meaning it is unlikely that any vehicle will ever need to reverse out (as the other can safely wait); and
- there is adequate space at each end for a vehicle to wait for the other to use the driveway without congestion impact.

It is understood that the owners of the subject site and adjoining Lot 13 have engaged in preliminary discussions regarding a shared driveway, and the need for an easement to facilitate the arrangement. The adjoining owner is confirmed to be amenable to the arrangement, as it would facilitate access to the rear area of their allotment. It is noted that this would be a right-of-way easement that would afford access from the front carpark area to the rear of the property and does not facilitate access to a constructed road. Each property will retain their existing access points to Thuringowa Drive.



Water and Sewer

No changes are proposed to existing water and sewer connections. There is not considered to be a significant increase to the intensity of use occurring on the site, and thus the proposed development will not result in increased demand on reticulated water and sewer services.

Stormwater

No changes are proposed to existing stormwater arrangements. Proposed carparking arrangements will be designed to appropriately direct stormwater flows to the legal point of discharge.

Electricity and Communications

The proposed development will retain existing electricity and communications connections.

Landscaping

Existing landscaping borders the car parking area to the front of the site and will be retained to provide visual amenity to the street frontage.

3.2 Development Plans

The proposed development is detailed in the plans provided at **Appendix 4** and listed below.

Title	Number	Issue	Date
Existing Site Plan	2024049-A002	B	18.9.24
Existing Floor Plan	2024049-A003	B	18.9.24
Proposed Site Plan & Carpark Layout Plan	2024049-A004	B	18.9.24

3.3 Prelodgement Meeting

The proposed development was the subject of a prelodgement meeting between Townsville City Council (Council) and the Applicant on 24 January 2024. Council were noted as being generally supportive of the proposed development. In particular, it was noted that the proposed development would require impact assessment despite the existing commercial uses, as approvals on the site relate to office uses, while the proposed development is classified as a health care service.

It was also raised that a shared easement arrangement would involve a development permit for Reconfiguring a Lot. However, it is noted that the proposed easement does not meet the criteria for Reconfiguring a Lot under the provisions of the *Planning Act 2016*, given that easement does not seek to afford access to a constructed road. The easement seeks purely to facilitate internal



movement within the subject sites. Thus, the easement has been addressed and identified on development plans but does not form part of this application.



4.0 ASSESSMENT FRAMEWORK

4.1 Planning Act 2016

The *Planning Act 2016* (the Act) provides the framework for Queensland's planning system and coordinates local, regional, and State planning. The Act allows for the establishment and is supported by subordinate planning legislation and instruments such as planning schemes. The provisions of the Act are therefore applicable to the proposed development.

4.2 Planning Regulation 2017

The *Planning Regulation 2017* (the Regulation) is established under the Act and provides support to the Act by detailing how it functions at a practical level. The Regulation determines the Assessment Manager and Referral Agencies relevant to assessable development, and relevant State interests through the State Planning Policy (SPP) and State Development Assessment Provisions (SDAP). The provisions of the Regulation are therefore applicable to the proposed development.

4.3 Approval Sought

Approval Type	Development Permit
Development Type	Material Change of Use
Definition or General Description	Health Care Services
Specific Description	(Mental Health Practice)

4.4 Assessment Manager Assessment Parameters

Assessment Manager	Townsville City Council
Planning Instrument	<i>Townsville City Plan 2014</i> (the planning scheme)
Zone and Precinct	Medium Density Residential Zone
Triggered Overlays	Flood Hazard Overlay (Low and Medium Hazard)
Category of Assessment	Impact
Table of Assessment Reference	Table 5.5.2 – Material Change of Use (Medium Density Residential Zone)



Assessment Manager Assessment Benchmarks	<ul style="list-style-type: none">▪ Strategic Framework▪ Medium Density Residential Zone Code▪ Healthy Waters Code▪ Landscape Code▪ Transport Impact, Access and Parking Code▪ Works Code▪ Flood Hazard Overlay Code
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4.5 Referral Agency Assessment Parameters

Referral Agencies	State Assessment Referral Agency
Planning Instrument	<i>Planning Regulation 2017</i> (the Regulation)
Referral Triggers	<p>The proposed development triggers the following referrals:</p> <ul style="list-style-type: none">▪ Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises near a State transport corridor or that is a future State transport corridor.
Referral Agency Assessment Benchmarks	<ul style="list-style-type: none">▪ State code 1 – Development in a State-controlled road environment



5.0 ASSESSMENT MANAGER CONSIDERATIONS

5.1 State Planning Policy

The *State Planning Policy* (the SPP) is a State planning instrument established under the Act and is designed to ensure the State's interests in planning are protected and delivered as part of local government planning across Queensland. Local government use the SPP when making or amending its planning scheme. Local government will also assess aspects of development applications using the SPP if their local planning scheme has not integrated certain State interests.

In accordance with Section 2.1 – State Planning Policy (SPP) of the planning scheme, the Minister has identified that all relevant State interests as outlined in the SPP dated July 2014 have been integrated into the planning scheme.

For the purpose of the proposed development, we consider that assessment against the provisions of the SPP is not required, and all relevant matters will be dealt with under the provisions of the planning scheme.

5.2 Regional Plan

Regional plans are State planning instruments established under the Act and set the long term strategic direction for how regions grow and respond to change. Regional plans are designed to facilitate economic growth, development, liveable communities, and the protection of natural resources. Regional plans seek to balance the State interests identified by the SPP in the context of the particular region they apply to.

The *North Queensland Regional Plan* (the Regional Plan) applies to the local government areas of Townsville City, Hinchinbrook Shire, Burdekin Shire, Charters Towers Regional, and Palm Island Aboriginal Shire. The Regional Plan was implemented in March 2020, and seeks to capitalise on the growth, prosperity, and diversity of the region by supporting a vibrant economy, generating jobs, improving business investment, protecting our natural environment, and encouraging tourism and lifestyle opportunities over the next 25 years.

The proposed development is considered to align with the goals outlined in the Regional Plan. In particular, the proposed development will further Goal 3 – Liveable, sustainable and resilient communities that promote living in the tropics.

5.3 Planning Scheme Strategic Framework

The planning scheme incorporates a strategic framework, which sets the policy direction and basis for ensuring appropriate development occurs within the planning scheme area.



The strategic framework is represented by the following four themes:

- shaping Townsville;
- strong, connected community;
- environmentally sustainable future; and
- sustaining growth.

The strategic framework provides strategic outcomes for each of the above four themes.

The proposed development furthers the outcomes sought by the above themes and the relevant outcomes, particularly when considering:

- the proposed development will contribute to Townsville's growth and evolution, and will further Townsville's role as the second capital of Queensland; and
- the proposed development will maximise the potential of a well positioned site in an area with an existing precedent for non-residential development types.

5.4 Planning Scheme Purpose and Overall Outcomes

The proposed development is considered to further the purpose and overall outcomes sought by the relevant planning scheme codes by demonstrating compliance with the relevant performance and accepted outcomes.



5.5 Planning Scheme Assessment Matrix

The assessment matrix below summarises the outcome of an assessment of the proposed development against the relevant performance and accepted outcomes of the applicable Assessment Manager assessment benchmarks. The assessment matrix identifies the level of compliance of the proposed development in accordance with the legend below.

Legend	
	<div></div> Criteria is clearly met and no further assessment is required.
	<div></div> Criteria is met and further explanation is provided for clarity.
	<div></div> Criteria is not met and further performance assessment is required.
	<div></div> Not applicable or no criteria prescribed.

Outcome PO or AO	Medium Density Residential Zone Code		Healthy Waters Code		Landscape Code		Transport Impact, Access and Parking Code		Works Code		Flood Hazard Overlay Code	
	PO	AO	PO	AO	PO	AO	PO	AO	PO	AO	PO	AO
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Outcome PO or AO	Medium Density Residential Zone Code		Healthy Waters Code		Landscape Code		Transport Impact, Access and Parking Code		Works Code		Flood Hazard Overlay Code	
	PO	AO	PO	AO	PO	AO	PO	AO	PO	AO	PO	AO
22												
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Criteria identified in the assessment matrix as requiring further explanation or further assessment is addressed in the following subsection.



5.6 Planning Scheme Detailed Assessment

Medium Density Residential Zone Code

PO12

Non-residential uses establish only where:

- (a) compatible with local character and amenity;
- (b) limited in scale and supporting the day-to-day needs of the local community or as specifically intended for a particular precinct; and
- (c) not impacting on the role and function of the city's network of centres or more appropriately located in another zone.

No acceptable outcome is nominated.

Editor's note—Applicants should have regard to [Economic impact assessment planning scheme policy SC6.5](#) for guidance on how to demonstrate compliance with the performance outcome.

Complies with PO12

With respect to PO12, it is noted that:

- the subject site has long been used for non-residential purposes;
- the subject use has been operating from the site for some time;
- there is no change to the built form proposed as a part of this development;
- the development is well-located in Townsville, being well positioned to enable it to service its patients;
- it is a very low impact activity in terms of externalities and off-site impacts; and
- this part of Thuringowa Drive has been developed historically for stand-alone non-residential uses in small-scale buildings that inform the character of the area.

That being the case, it is considered that the proposed development meets PO1, as it:

- is consistent with the established low density character of the area, and does not propose to change its response to this character;
- is very unlikely to have any discernible impact upon the amenity of the area;
- involves a non-residential use that does not offend the community expectations for the use of the land; and
- supports the day-to-day needs of the community.

Transport Impact, Access and Parking Code

PO8

All vehicles reasonably expected to use the site are able to travel the length of the driveway or driveway access without damage to vehicle or the driveway surface.

AO8

Access is provided in accordance with the standards identified in the Development manual planning scheme policy no. SC6.4 — SC6.4.5.5 Driveways, SC6.4.5.3 Public Transport Facilities and SC6.4.5.4 Car Parking.



Complies with PO8

The siting of the buildings on Lots 13 and 14 provides approximately 3.46 m for an access driveway (or 4.66 m wall to wall, reconfiguring the air conditioning units attached to the existing building on Lot 14), sufficient for a single lane access to the proposed rear carpark.

Given the low anticipated volume of traffic on the site, a single lane is considered appropriate for the development. Particularly, in accordance with Australian Standard AS/NZS 2890.1:2004, section 3.2.2, widths below the prescribed widths may be provided with consideration for traffic volumes. Thus, the proposed vehicle access and movement arrangements are considered to be appropriate for all vehicles reasonably expected to access the site. Importantly, it is noted that in the instance two vehicles were to use the driveway at once on opposing direction:

- there is sufficient line of sight for vehicles to not enter the driveway to avoid conflict;
- the driveway is short in length, meaning it is unlikely that any vehicle will need to reverse out (as the other can safely wait);
- there is adequate space at each end for a vehicle to wait for the other to use the driveway without congestion impact.

PO17

Provision is made for on-site vehicle parking to:

- (a) meet the demand likely to be generated by the development; and
- (b) avoid on street parking that would adversely impact on the safety or capacity of the road network or unduly impact on local amenity.

AO17

Parking is provided in accordance with the standards identified in [Parking rates planning scheme policy no. SC6.10](#).

Editor's note— Applicants should refer to the Development manual planning scheme policy no. SC6.4 - SC6.4.5.3 Public Transport Facilities, SC6.4.5.4 Car Parking, SC6.4.5.2 Traffic Impact Assessments (TIA), SC6.4.6.1 Geometric Road Design, and SC6.4.5.1 Townsville Road Hierarchy to assist in complying with this outcome.

Complies with PO17

Proposed car parking arrangements will provide a total of 11 spaces. This provision is below the prescribed rate for health care services, but is considered sufficient for the proposed development, given the nature of consultation methods being only 50% face-to-face in the practice. Staff presence on site will fluctuate based on scheduling, though it is estimated that 2 practitioners will be seeing clients on site at any given time. Further, given the nature of the use being a mental health service, there is limited scope for ambulance attendance to the site, except in rare emergencies. Nevertheless, arrangements are suitable for an emergency vehicle to manoeuvre the site. Thus, the proposed 11 spaces are expected to meet the anticipated demand, in accordance with PO17.



Flood Hazard Overlay Code

PO1

Development in medium and high hazard areas is designed and located to minimise susceptibility to and potential impacts of flooding.

Editor's note—The *Building Regulation 2006* may also establish requirements with which development will need to comply. The defined flood event is identified in this planning scheme as the 1% annual exceedance probability (AEP) flood and is mapped as the combined extent of the high and medium flood hazard areas identified on overlay map OM-06.1 and 06.2. Other than in the medium hazard — further investigation area, council will be able to make available the height of the flood level for any particular location upon request.

Applicants must be aware that in some areas storm tide hazard areas will also co-exist with flood hazard areas. In these instances, the floor levels and other design responses will need to be sufficient to comply with this code, the Coastal environment overlay code and the *Building Regulation 2006*.

AO1.1

Where the development is located within an area shown on overlay map OM-06.1 or 06.2 as medium hazard — further investigation area, new buildings containing habitable rooms:

- (a) are sited on a part of the site which is outside the medium hazard — further investigation area; or
- (b) are sited on the highest part of the site.

OR

AO1.2

Where development is located within another hazard area shown on overlay map OM-06.1 or 06.2:

- (a) floor levels of all habitable rooms are a minimum of 300mm above the defined flood level;
- (b) floor levels of all non-habitable rooms (other than class 10 buildings) are above the defined flood event;
- (c) parking spaces associated with non-residential development are located outside the high hazard areas identified on overlay map OM-06.1 or 06.2; and

Editor's note—Class 10 buildings are identified under the *Building Code of Australia* and includes carports and outbuildings.

- (d) underground parking is designed to prevent the intrusion of flood waters by the incorporation of a bund or similar barrier with a minimum height of 300mm above the defined flood level.

Complies with PO1

The proposed development does not seek to change the existing built form and will maintain the existing building levels. Proposed car parking arrangements to the rear of the property are only impacted by low flood hazard overlay area and will be appropriately designed to manage and direct flows to the legal point of discharge.



6.0 REFERRAL AGENCY CONSIDERATIONS

6.1 State Code Purpose and Overall Outcomes

The proposed development is considered to further the purpose and overall outcomes sought by the relevant State Codes by demonstrating compliance with the relevant performance and accepted outcomes.

6.2 State Code Assessment Matrix

The assessment matrix below summarises the outcome of an assessment of the proposed development against the relevant performance and accepted outcomes of the applicable Referral Agency assessment benchmarks. The assessment matrix identifies the level of compliance of the proposed development in accordance with the legend below.

Legend	
	<div><div></div> Criteria is clearly met and no further assessment is required.</div> <div><div></div> Criteria is met and further explanation is provided for clarity.</div> <div><div></div> Criteria is not met and further performance assessment is required.</div> <div><div></div> Not applicable or no criteria prescribed.</div>

Outcome PO or AO	State Code 1	
	PO	AO
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Outcome PO or AO	State Code 1	
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Outcome PO or AO	State Code 1	
	PO	AO
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Outcome PO or AO	State Code 1	
	PO	AO
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Criteria identified in the assessment matrix as requiring further explanation or further assessment is addressed in the following subsection.



6.3 State Code Detailed Assessment

State Code 1

PO1 The location of the development does not create a safety hazard for users of the **state-controlled road**.

AO1.1 Development is not located in a **state-controlled road**.

AND

AO1.2 Development can be maintained without requiring access to a **state-controlled road**.

Complies with PO1

The subject site adjoins Thuringowa Drive, with a driveway crossover interfacing directly with the State-controlled road. While the proposed development is a new use, there is an established building on site that has been used for non-residential purposes for some time prior. Further, proposed parking arrangements at the rear of the lot are anticipated to reduce demand for on street parking on Thuringowa Drive, instead containing staff and client parking within the subject site. Thus, the proposed development will not create any safety hazards for State-controlled road users in accordance with PO1.

PO7 The location of landscaping does not create a safety hazard for users of the **state-controlled road**.

AO7.1 Landscaping is not located in a **state-controlled road**.

AND

AO7.2 Landscaping can be maintained without requiring access to a **state-controlled road**.

AND

AO7.3 Landscaping does not block or obscure the sight lines for vehicular access to a **state-controlled road**.

Complies with PO7

The subject site contains existing landscaping associated with the current parking arrangements. This landscaping adjoins the site frontage but is contained fully within the site boundaries and can be maintained from within the premises. This landscaped strip will be retained for visual amenity and will ensure that any planting does not obscure access sight lines. Thus, landscaping arrangements will not create any safety hazards for State-controlled road users in accordance with PO7.

PO8 Stormwater run-off or overland flow from the development site does not create or exacerbate a safety hazard for users of the **state-controlled road**.

No acceptable outcome is prescribed.



Complies with PO8

The proposed development does not seek to change the existing stormwater regime. Increases to stormwater flows resulting from the proposed car parking arrangements will be minimal and will be appropriately managed through detailed design to ensure drainage to the legal point of discharge.

PO12 Development does not result in a material worsening of flooding impacts within a **state-controlled road**.

AO12.1 For all flood events up to 1% **annual exceedance probability**, development results in negligible impacts (within +/- 10mm) to existing flood levels within a **state-controlled road**.

AND

AO12.2 For all flood events up to 1% **annual exceedance probability**, development results in negligible impacts (up to a 10% increase) to existing peak velocities within a **state-controlled road**.

AND

AO12.3 For all flood events up to 1% **annual exceedance probability**, development results in negligible impacts (up to a 10% increase) to existing time of submergence of a **state-controlled road**.

Complies with PO12

The proposed development involves minimal change to the existing property, noting that flood hazard is identified as being high towards the front of the site, while the rear of the site contains a lower hazard area, based on Council's overlay mapping. The proposed car parking arrangements to the rear of the site are anticipated to have minimal impact on flood conditions. No further changes are proposed to the built form, and as such, there are no perceived impacts to flood hazard on the State-controlled road.

PO27 Traffic movements are not directed onto a **state-controlled road** where they can be accommodated on the **local road** network.

No acceptable outcome is prescribed.

Complies with PO27

The subject site directly interfaces with Thuringowa Drive, with no alternative access road available. The proposed development will maintain the existing crossover, with no proposed changes to access arrangements.



7.0 OTHER RELEVANT MATTERS

7.1 Other Relevant Matters

There are substantial other relevant matters to support the approval of the proposed development. In accordance with Section 45, Item 5 (b) of the Act, an impact assessment may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial, or otherwise.

Other relevant matters supporting the approval of the proposed development include (but are not limited to) the following:

- the development provides a service that is valuable to the Townsville community;
- the continuation of the use of the property for non-residential purposes is not at odds with the community expectations for the use of the site;
- the proposed development is a locally owned and operated business that will diversify and support mental health service offerings in the Townsville region;
- the proposed development does not seek to change the existing built form of the property;
- the proposed use is consistent with uses in the surrounding area, and does not stray from community expectations for uses within this area; and
- additional car parking provisions will reduce the demand for on street parking on a high traffic road.



8.0 CONCLUSION

8.1 Assessment Summary

The assessment of the proposed development against the relevant assessment benchmarks detailed in this development application supports a recommendation for approval based on the following reasons:

- the proposed development complies with the relevant assessment benchmarks; and
- compliance with the relevant assessment benchmarks can be managed through reasonable and relevant conditions.

8.2 Recommended Conditions of Approval

Given the above facts and circumstances presented in this development application, we recommend that Council **approve** the proposed development subject to the following reasonable and relevant conditions that are considered specifically relevant to the proposed development.

Condition 1 – Approved Plans and Supporting Documentation

The development must generally comply with the plan(s) referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.

Title	Number	Issue	Date
Existing Site Plan	2024049-A002	B	18.9.24
Existing Floor Plan	2024049-A003	B	18.9.24
Proposed Site Plan & Carpark Layout Plan	2024049-A004	B	18.9.24

Appendix 1

DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Deep Speak c/- Milford Planning
Contact name (only applicable for companies)	George Milford
Postal address (P.O. Box or street address)	PO Box 5463
Suburb	Townsville City
State	Queensland
Postcode	4810
Country	Australia
Contact number	(07) 4724 0095
Email address (non-mandatory)	info@milfordplanning.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	M2321
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of Planning Act 2016	
2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

- ☐ Street address **AND** lot on plan (all lots must be listed), **or**
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		131	Thuringowa Drive	Kirwan
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4187	13	RP734832	Townsville City
b)	Unit No.	Street No.	Street Name and Type	Suburb
		133	Thuringowa Drive	Kirwan
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4187	14	RP734832	Townsville City

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

- ☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

- ☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
☒ Not required

4) Identify any of the following that apply to the premises and provide any relevant details

- ☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

- ☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable)

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- ☒ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☒ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Mental Health Practice

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

- ☒ Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

- ☐ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ Not required

6.4) Is the application for State facilitated development?

- ☐ Yes - Has a notice of declaration been given by the Minister?
- ☒ No

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Mental Health Practice	Health Care Services		111 m ²

8.2) Does the proposed use involve the use of existing buildings on the premises?

☒ Yes

☐ No

8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?

☐ Yes – provide details below or include details in a schedule to this development application

☒ No

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input type="checkbox"/> Subdivision (complete 10)	<input type="checkbox"/> Dividing land into parts by agreement (complete 11)
<input type="checkbox"/> Boundary realignment (complete 12)	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below <input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?		
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage	<input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)		
<input type="checkbox"/> Yes – specify number of new lots:		
<input type="checkbox"/> No		

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Townsville City Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

- ☐ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☒ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity

- ☐ SEQ northern inter-urban break – community activity
- ☐ SEQ northern inter-urban break – indoor recreation
- ☐ SEQ northern inter-urban break – urban activity
- ☐ SEQ northern inter-urban break – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material *(from a watercourse or lake)*
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees *(category 3 levees only)*
- ☐ Wetland protection area

Matters requiring referral to the **local government**:

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) *(only if the ERA has been devolved to local government)*
- ☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity**:

- ☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- ☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council**:

- ☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the *Transport Infrastructure Act 1994***:

- ☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
- ☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator:

- ☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the **Chief Executive of the relevant port authority**:

- ☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the **Gold Coast Waterways Authority**:

- ☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the **Queensland Fire and Emergency Service**:

- ☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

18) Has any referral agency provided a referral response for this development application?

- ☐ Yes – referral response(s) received and listed below are attached to this development application
- ☒ No

Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application <i>(if applicable)</i> .		

PART 6 – INFORMATION REQUEST

19) Information request under the DA Rules

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

☐ Yes – provide details below or include details in a schedule to this development application

☒ No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

☐ Yes – a copy of the receipted QLeave form is attached to this development application

☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid

☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

☒ Yes – show cause or enforcement notice is attached

☐ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
- ☒ No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – *Form 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- ☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- ☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- ☒ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

- ☐ Yes – the development application involves premises in the koala habitat area in the koala priority area
- ☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area
- ☒ No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.desi.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the *Water Act 2000***?

- ☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- ☒ No

Note: Contact the Department of Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.qld.gov.au. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

- ☐ Yes – the relevant template is completed and attached to this development application
- ☒ No

DA templates are available from planning.statedevelopment.qld.gov.au. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

- ☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
- ☒ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake under the *Water Act 2000***?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
- ☒ No

Note: Contact the Department of Resources at www.resources.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water under the *Coastal Protection and Management Act 1995***?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
- ☒ No

Note: Contact the Department of Environment, Science and Innovation at www.desi.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application
- ☒ No

Note: See guidance materials at www.resources.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title

☒ No

Note: See guidance materials at www.desi.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

☐ Yes – details of the heritage place are provided in the table below

☒ No

Note: See guidance materials at www.desi.qld.gov.au for information requirements regarding development of Queensland heritage places. For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Decision under section 62 of the Transport Infrastructure Act 1994

23.14) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)

☒ No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.15) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

- ☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

Note: See guidance materials at www.planning.statedevelopment.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes

Note: See the *Planning Regulation 2017* for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ Not applicable

25) Applicant declaration

- ☒ By making this development application, I declare that all information in this development application is true and correct
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

MP ref: M2321
QA: ma.gm

12 December 2024



Assessment Manager
Townsville City Council
PO Box 1268
TOWNSVILLE QLD 4810

Attention: Planning and Development

Dear Sir/ Madam,

Re: Land Owner Consent

Under the provisions of the *Planning Act 2016*, we **CAVATI FAMILY HOLDINGS PTY LTD**, being the registered owner of land described as **LOT 14 ON RP734832** and located at **133 THURINGOWA DRIVE, KIRWAN**, do hereby authorise and confirm the engagement and appointment of Milford Planning to act on our behalf with respect to the procurement of all development approvals for the aforementioned land.

Date			
	Day	Month	Year
Signature			
Name	Lauren Cavati	Wayne Cavati	
Position	Director	Director	

Note

Where registered owner is a company the ACN must be included and accompanied by:

- (a) the signature of either:
- two directors of the company;
 - a director and a company secretary of the company; or
 - if a proprietary company that has a sole director who is also the sole company secretary, that director; **or**
- (b) the company seal (if the company has a common seal) witnessed by:
- two directors of the company;
 - a director and a company secretary of the company; or
 - for a propriety company that has a sole director who is also the sole company secretary, that director.

MP ref: M2321
QA: ma.gm

12 December 2024

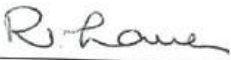

Assessment Manager
Townsville City Council
PO Box 1268
TOWNSVILLE QLD 4810

Attention: Planning and Development

Dear Sir/ Madam,

Re: Land Owner Consent

Under the provisions of the *Planning Act 2016*, we **RODNEY WILLIAM LOWE** and **ROBYN MAREE LOWE**, being the registered owners of land described as **LOT 13 ON RP734832** and located at **131 THURINGOWA DRIVE, KIRWAN**, do hereby authorise and confirm the engagement and appointment of Milford Planning to act on our behalf with respect to the procurement of all development approvals for the aforementioned land.

Date	11	January	2025
	Day	Month	Year
Signature			
Name	Robyn Lowe	Rodney Lowe	
Position	Owner	Owner	

Note

Where registered owner is a company the ACN must be included and accompanied by:

- (a) the signature of either:
- two directors of the company;
 - a director and a company secretary of the company; or
 - if a proprietary company that has a sole director who is also the sole company secretary, that director; or
- (b) the company seal (if the company has a common seal) witnessed by:
- two directors of the company;
 - a director and a company secretary of the company; or
 - for a propriety company that has a sole director who is also the sole company secretary, that director.




Appendix 2

Drawing
Site Aerial

Property
131 & 133 Thuringowa Drive, Kirwan
Lots 13 &14 on SP734832

Drawing Number	Issue	Sheet
M2321-SK-02	B	1
Date	Author	Reviewer
16.5.25	MA	GM

Legend

-  Cadastre
-  Subject Site
-  Adjoining Lot

Scale (A3 Original)
1:200

0 1 2 3 4 5 m

Sources
Milford Planning GIS (2025)
DCDB extract - State of Queensland (2025)
Aerial imagery - Bing (2025)

Disclaimer
Areas and dimensions are approximate only
and are subject to site survey.



LOT 15
RP734832

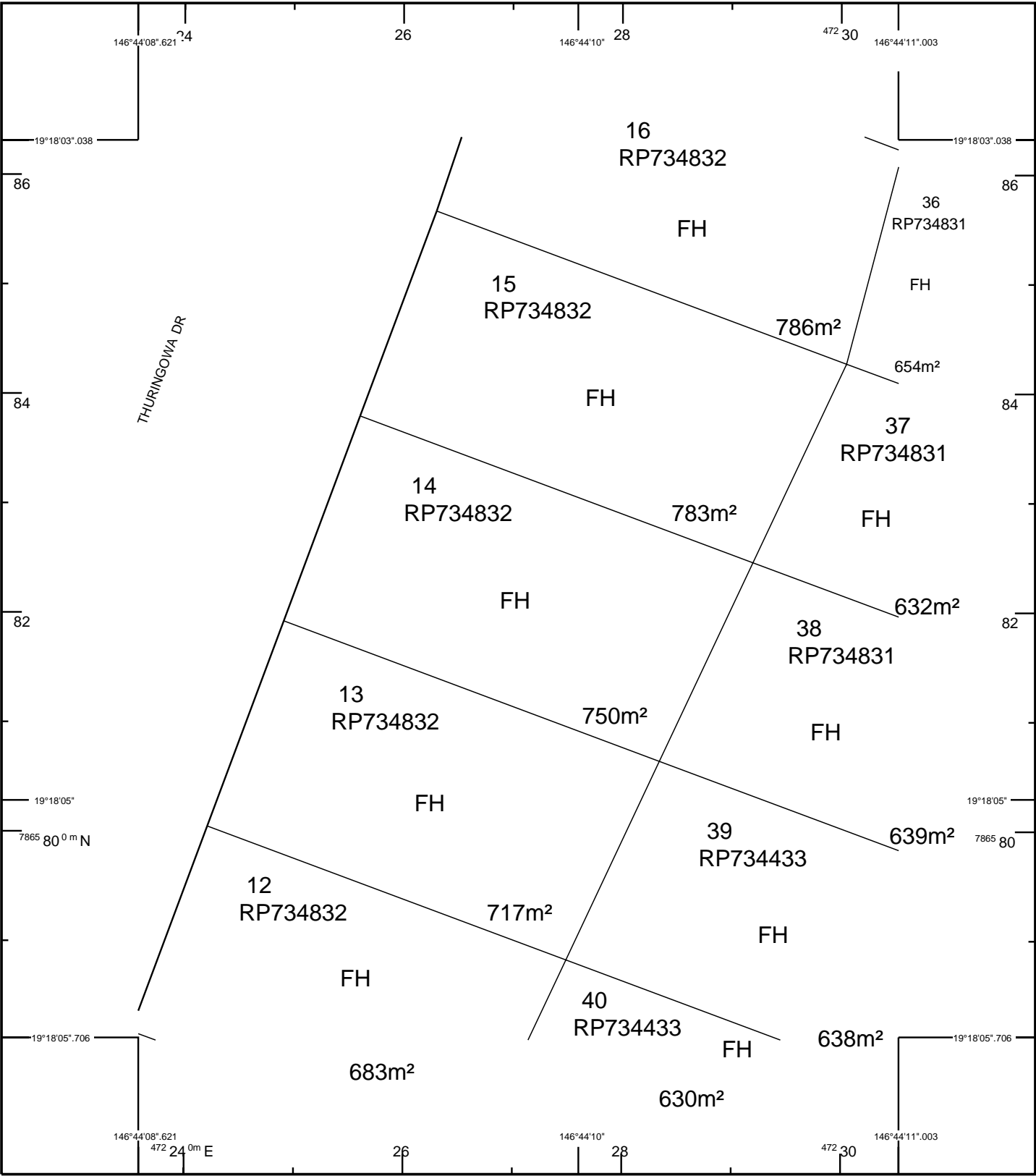
LOT 14
RP734832

LOT 13
RP734832

LOT 12
RP734832

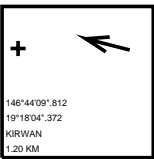
LOT 39
RP734433

LOT 38
RP734831



STANDARD MAP NUMBER
8259-31122

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	14/RP734832
Area/Volume	750m²
Tenure	FREEHOLD
Local Government	TOWNSVILLE CITY
Locality	KIRWAN
Segment/Parcel	35330/46

CLIENT SERVICE STANDARDS

PRINTED 02/05/2024
DCDB 01/05/2024
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For further information on SmartMap products visit https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps

SmartMap

An External Product of
SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base



Queensland
Government
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Appendix 3

State Assessment and Referral Agency

Date: 02/05/2024

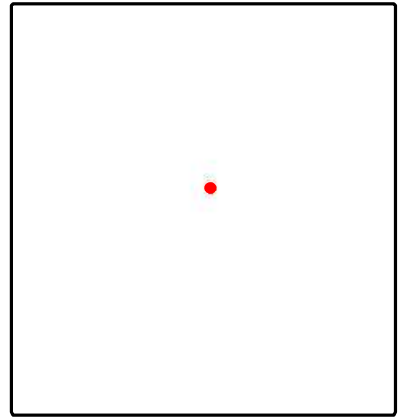


Queensland Government

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Matters of Interest for all selected Lot Plans

State-controlled road

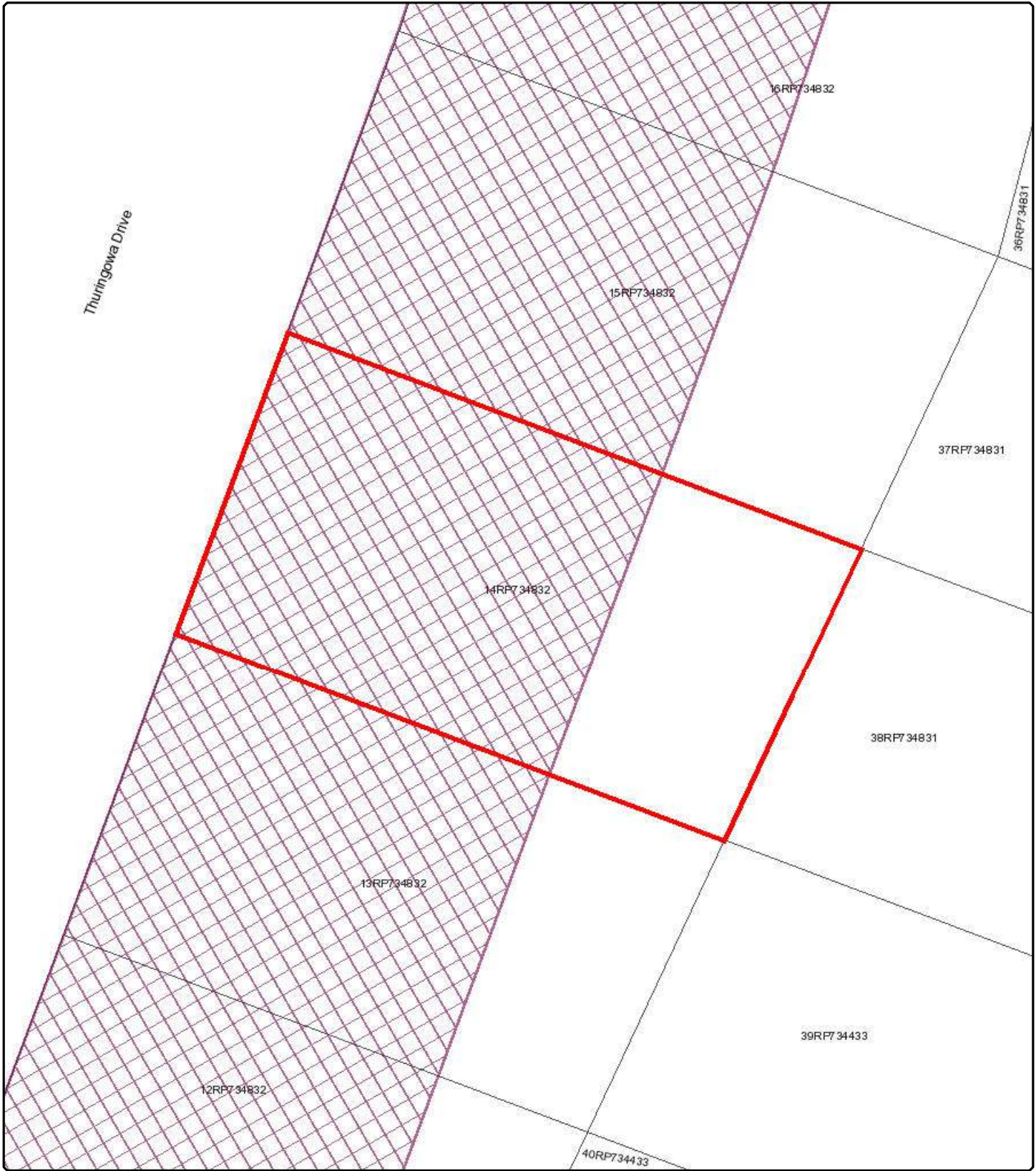
Area within 25m of a State-controlled road

Matters of Interest by Lot Plan

Lot Plan: 14RP734832 (Area: 750 m²)

State-controlled road

Area within 25m of a State-controlled road



State Assessment and Referral Agency

Date: 02/05/2024



Queensland Government

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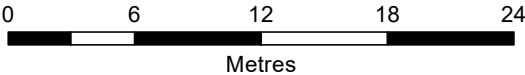


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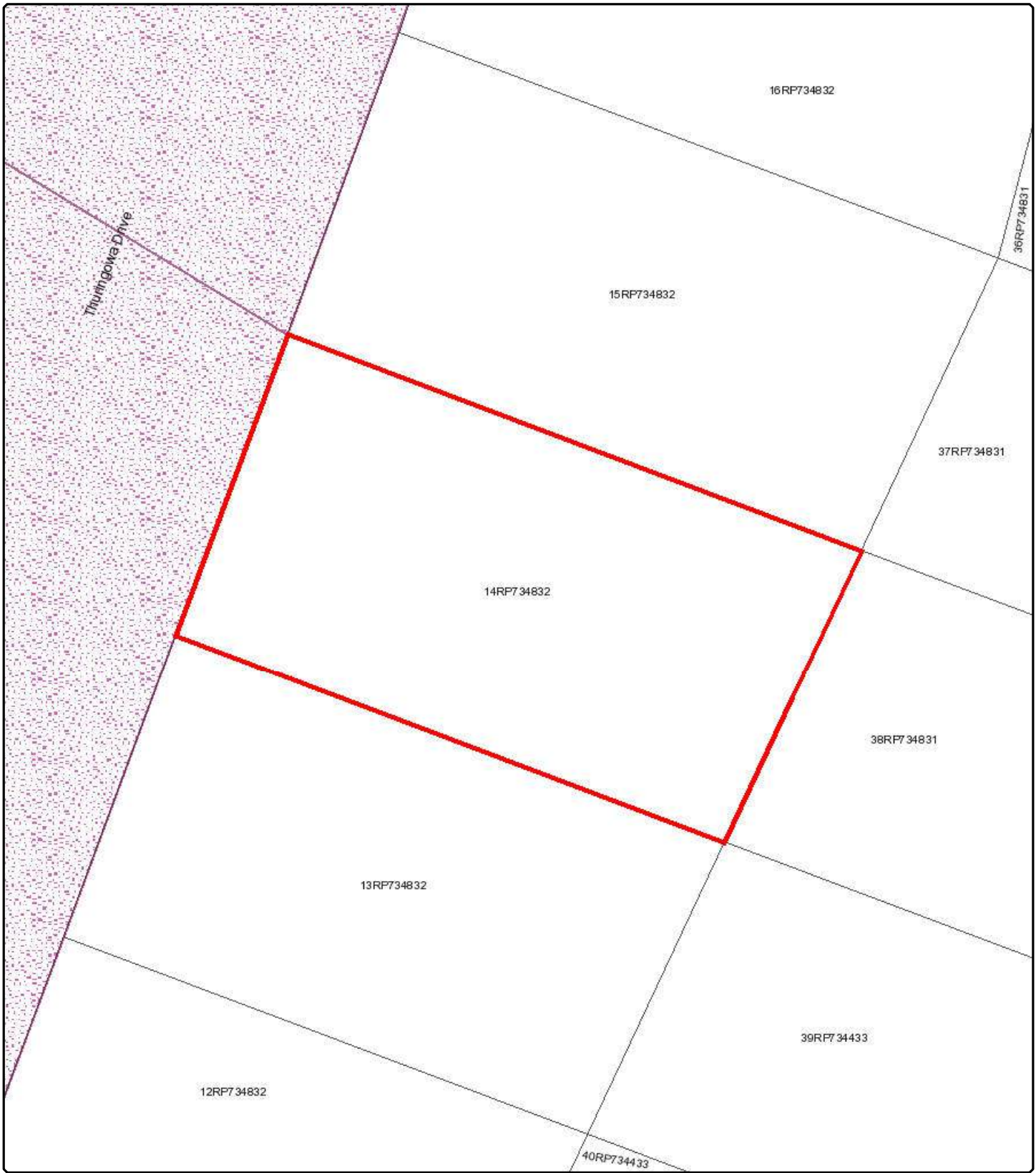
Area within 25m of a State-controlled road



Area within 25m of a State-controlled road



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State Assessment and Referral Agency

Date: 02/05/2024



Queensland Government

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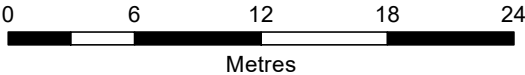


Legend

State-controlled road



State-controlled road



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Appendix 4



USE SPACE BETTER PTY LTD. T/A
DRAWING WORKS
ABN 33617765956
QBCC 15212911

drawingworks.com.au

PHONE: 0438 473 982
EMAIL: mark@drawingworks.com.au

Rev.	Description	Date
A	PRELIMINARY	03/09/2024
B	REVISION	18/09/2024

ALL DESIGN, CONSTRUCTION & MATERIALS
TO BE IN ACCORDANCE WITH:
THE NATIONAL CONSTRUCTION CODE (NCC):
THE BUILDING CODE OF AUSTRALIA (BCA)
THE QUEENSLAND DEVELOPMENT CODE
(QDC)
BUILDING REGULATIONS & LOCAL
GOVERNMENT PLANS & POLICIES
CURRENT ISSUES OF AUSTRALIAN
STANDARDS
CURRENT MANUFACTURER'S
SPECIFICATIONS & INSTALLATION DETAILS
FOR MATERIALS USED

NOTE: ALL DIMENSIONS IN MILLIMETRES
UNLESS OTHERWISE NOTED



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Project No.

2024049

Project Title

PROPOSED HEALTH CARE SERVICE PREMISES

Site Address

133 Thuringowa Dr Kirwan QLD 4817

Client

Cavati Family Holdings Pty Ltd

PROJECT DOCUMENTATION

PROJECT DOCUMENTATION INCLUDES:

- DESIGN INTENT DRAWINGS
- SUPPORTING DOCUMENTS

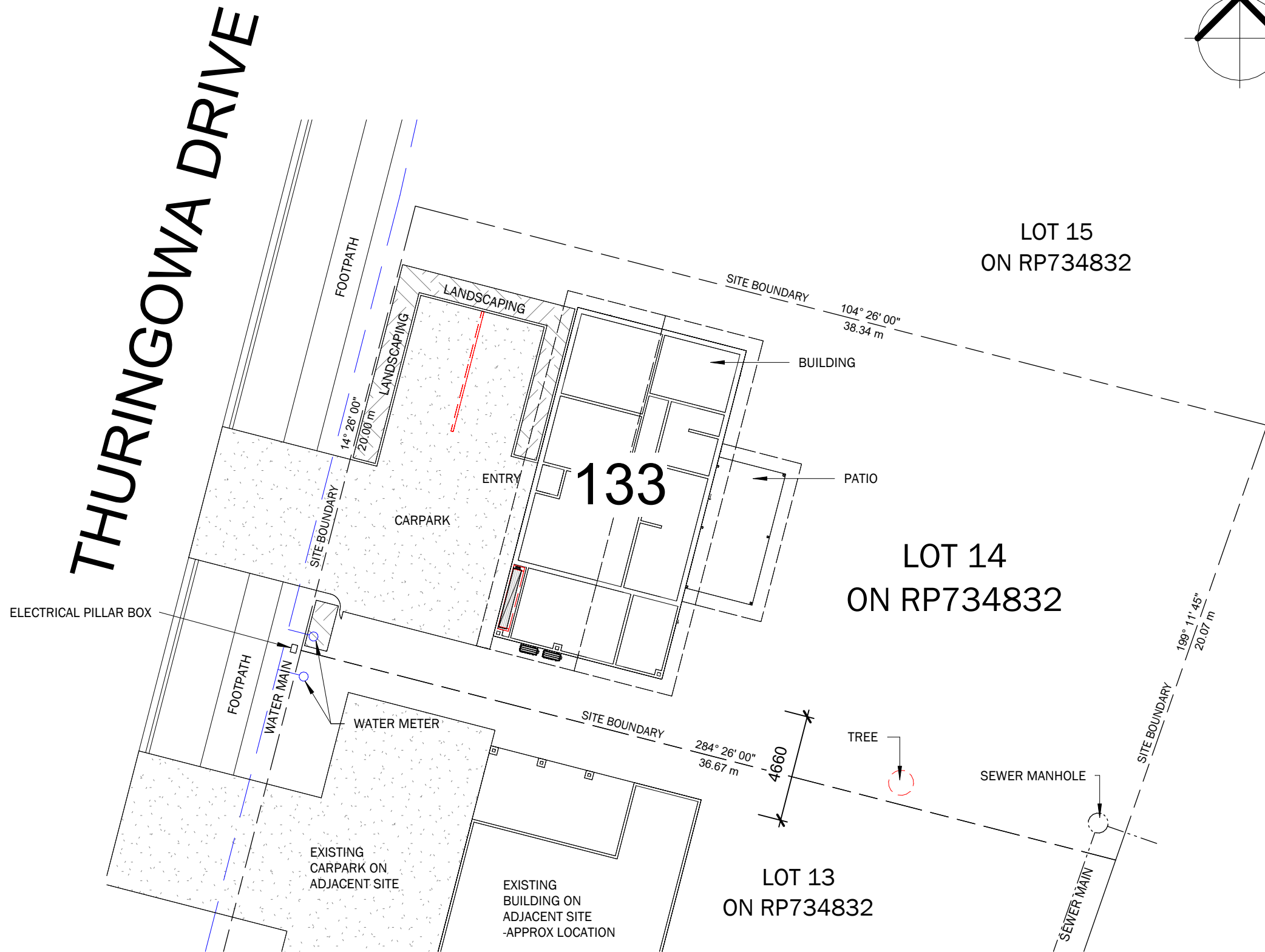
Drawing List		
Sheet Number	Sheet Name	Current Revision
A001	PROJECT COVER SHEET	B
A002	EXISTING SITE PLAN	B
A003	EXISTING FLOOR PLAN	B
A004	PROPOSED SITE PLAN & CARPARK LAYOUT	B

PROJECT SPECIFIC INFORMATION

Lot on Plan: LOT 14 ON RP734832
Cimate Zone: 1
Wind Class: -

SCOPE OF WORK

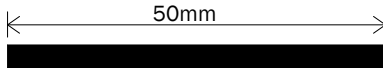
- MEASURED DRAWINGS OF EXISTING LAYOUT
- PROPOSED LAYOUT PLANS FOR DEVELOPMENT APPLICATION



EXISTING SITE PLAN
1 : 200

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Lot on Plan: LOT 14 ON RP734832
Climate Zone: 1
Wind Class: -

Rev.	Description	Date
A	PRELIMINARY	03/09/2024
B	REVISION	18/09/2024

Project Title
PROPOSED HEALTH CARE
SERVICE PREMISES
Site Address
133 Thuringowa Dr Kirwan
QLD 4817

Client
Cavati Family Holdings Pty
Ltd

Sheet Title
EXISTING SITE PLAN

Use Space Better Pty Ltd t/a
Drawing Works
ABN 33617765956
QBCC 15212911



drawing
works

mark.norton@spacecounts.com
Suite 2, 197 Flinders Street
Townsville City QLD 4810
www.drawingworks.com.au

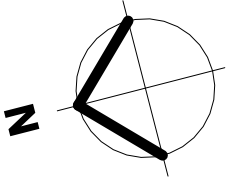
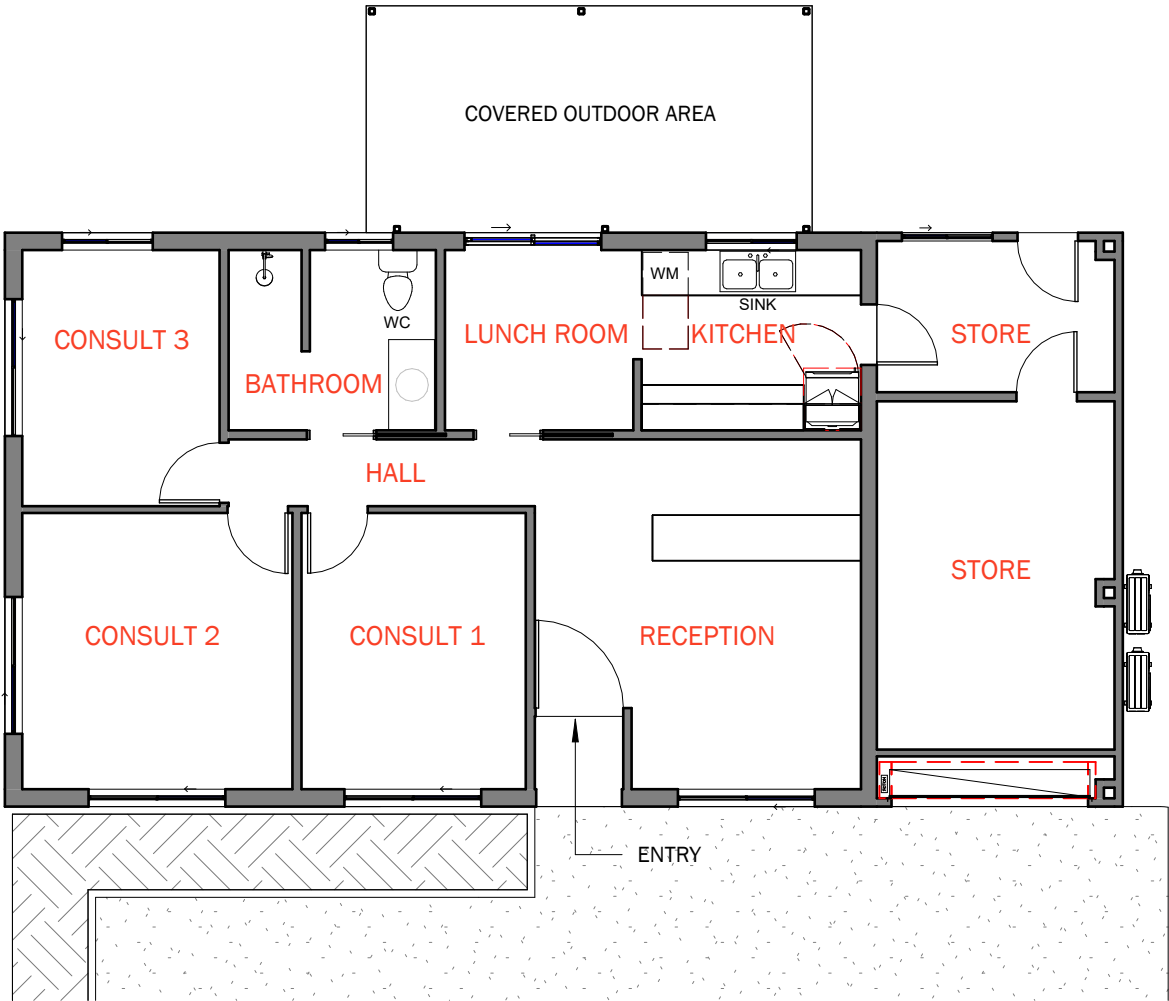
Drawn by
RL
Issue Date
SEPTEMBER
2024
Scale (A3)
1 : 200

Project No.
2024049
Sheet No.
A002

B

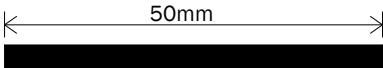
Room Schedule	
Name	Room Area
BATHROOM	6.4 m ²
CONSULT 1	10.8 m ²
CONSULT 2	13.1 m ²
CONSULT 3	8.8 m ²
HALL	3.6 m ²
KITCHEN	7.0 m ²
LUNCH ROOM	6.0 m ²
RECEPTION	18.6 m ²
STORE	6.2 m ²
STORE	14.4 m ²
Grand total: 10	94.9 m ²

Area Schedule	
Name	Area
INTERIOR	111 m ²
COVERED PATIO	18 m ²
COVERED ENTRY	1 m ²
Grand total: 3	130 m ²



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Lot on Plan: LOT 14 ON RP734832
Cimate Zone: 1
Wind Class: -

Rev.	Description	Date
A	PRELIMINARY	03/09/2024
B	REVISION	18/09/2024

Project Title
PROPOSED HEALTH CARE SERVICE PREMISES
Site Address
133 Thuringowa Dr Kirwan QLD 4817

Client
Cavati Family Holdings Pty Ltd

Sheet Title
EXISTING FLOOR PLAN

Use Space Better Pty Ltd t/a Drawing Works
ABN 33617765956
QBCC 15212911



drawing works

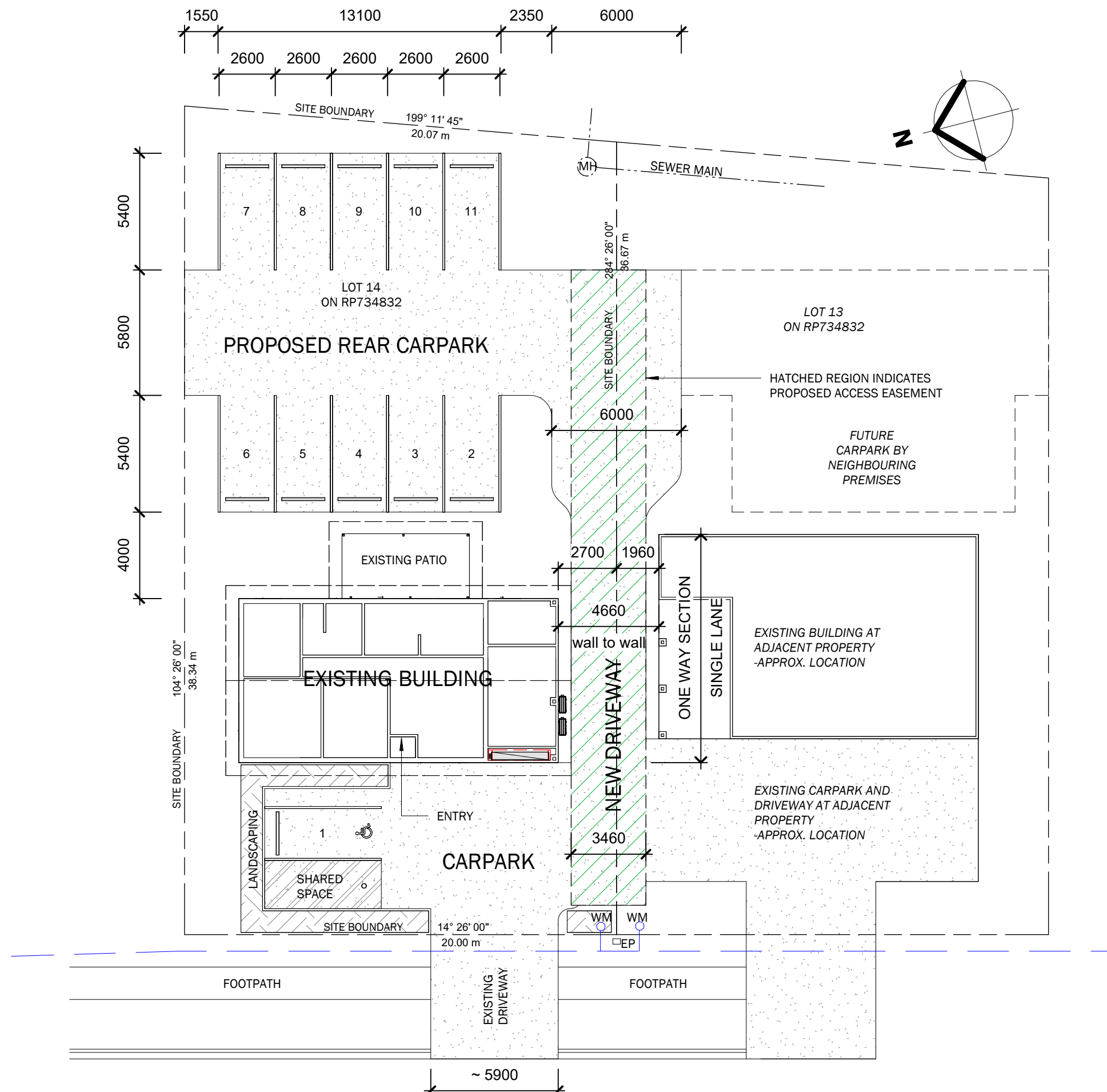
mark.norton@spacecounts.com
Suite 2, 197 Flinders Street
Townsville City QLD 4810
www.drawingworks.com.au

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RL
Issue Date
SEPTEMBER 2024
Scale (A3)
1 : 100

Project No.
2024049
Sheet No.
A003

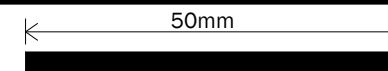
B

EXISTING FLOOR PLAN
1 : 100



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Lot on Plan: LOT 14 ON RP734832

Cimate Zone: 1

Wind Class: -

Rev.	Description	Date
A	PRELIMINARY	03/09/2024
B	REVISION	18/09/2024

Project Title

PROPOSED HEALTH CARE
SERVICE PREMISES

Site Address

133 Thuringowa Dr Kirwan
QLD 4817

Client

Cavati Family Holdings Pty
Ltd

Sheet Title

PROPOSED SITE PLAN &
CARPARK LAYOUT

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ABN 33617765956
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Drawn by
RL

Issue Date
SEPTEMBER
2024
Scale (A3)
1 : 200

Project No.

2024049

Sheet No.

A004

B

PROPOSED SITE PLAN & CARPARK LAYOUT

1 : 200

THURINGOWA DRIVE

Appendix 5

05 January 2024

PO BOX 1268, TOWNSVILLE
QUEENSLAND 4810

13 48 10

enquiries@townsville.qld.gov.au
townsville.qld.gov.au

Lauren Cavati
6 Sweers Court
THURINGOWA CENTRAL QLD 4817

Dear Lauren Cavati

Show Cause Notice Show Cause Notice.: SC24/0018

Offence: Section 165 of the *Planning Act 2016* – A person must not use premises unless the use a lawful use;

Site: 133 Thuringowa Drive KIRWAN QLD 4817
Real property description: Lot 14 RP 734832
Property No.: 533138

This letter is a show cause notice issued in accordance with Section 167 of the *Planning Act 2016*. You are invited to show cause why an enforcement notice should not be given to you pursuant to Section 168 of the *Planning Act 2016*.

Why council believes that an enforcement notice should be given to you:

Council is considering giving an enforcement notice to you as an Authorised Officer reasonably believes that you have committed a development offence under Section 165.

Facts and circumstances upon which council has formed the view that an enforcement notice should be given:

1. The subject site is described as Lot 14 RP 734832 – 133 Thuringowa Drive, KIRWAN QLD 4817 and is located in a Medium-Density Residential Zone of the Townsville City Plan.
2. Council received a complaint about the subject property detailed above. This complaint alleges that a health care service is operating from the property.
3. A site inspection was conducted by Authorised Officers of Townsville City Council from the Council Road reserve on 05 January 2024. The inspection established that you may be using the premises at 133 Thuringowa Drive, KIRWAN QLD 4817 as a health care services (“the use”).
4. The inspection on 05 January 2024 from the Council road reserve and an investigation conducted have established that:
 - a. You, Lauren Cavati are the owner and operator of the business named Deep Speak. This was established via a ABN search as well as a review of the business website.

- b. An advertising sign located at the front of 133 Thuringowa Drive KIRWAN QLD 4817, identified the business name as Deep Speak. This sign was advertising counselling and consulting. This sign also advertised a business website at www.deepspeak.com.au.
 - c. A second sign located beside the front entrance to the residence was located. This second sign had the business name Deep Speak shown prominently as well as the property's street number.
 - d. Deep Speak is being advertised online via www.deepspeak.com.au. This website is advertising the business as a professional counselling service offered to individuals, families, and couples. This website also identifies the business as having a team of four including the owner.
 - e. Deep Speak is being advertised online via Facebook. On the Facebook page it advertises the business as being located at 133 Thuringowa Drive, KIRWAN. The Facebook page advertises the business as offering professional counselling and identifies the business as a mental health service.
5. The Townsville City Plan defines health care services as a premises utilised for medical, paramedical, alternative therapies and general health care and treatment of persons that involves no overnight accommodation.
6. The usage of the premises as a health care services is Assessable development requiring assessment against the current Townsville City plan (2022/02).
7. Council believes that this use is not a lawful use (please see the definition of 'lawful use' in Schedule 2 of the *Planning Act 2016*).
8. A search of Council records has determined that no development approval has been issued for this use.
9. The failure of the landowner to ensure the use complied with the Medium-Density Residential Zone code constitutes an offence against Section 165 of the *Planning Act 2016*, "*A person must not use premises unless the use (a) is a lawful use; or (b) for designated premises – complies with any requirements about the use of the premises in the designation.*".

What the enforcement notice will direct you to do:

Council proposes to give an enforcement notice to you that will require you to:

- i) Immediately cease using 133 Thuringowa Drive KIRWAN QLD 4817 as a health care services;

OR

- ii) Obtain a Development Approval to use 133 Thuringowa Drive KIRWAN QLD 4817 as a health care services.

Representations about this notice:

You are invited to show cause as to why an enforcement notice should not be given to you by way of representations. These representations must be in writing, and addressed to:

TOWNSVILLE CITY COUNCIL



Team Manager Regulation
Environmental Health and Regulation
Townsville City Council
PO Box 1268
TOWNSVILLE QLD 4810

Representations may be emailed to enquiries@townsville.qld.gov.au .

Period for making a representation:

Representations must be made within 20 business days from the date of giving this notice, being 19 February 2024. The representations must be received by the council no later than close of business on that date.

In the event that you fail to show sufficient cause by the specified date, Council may issue you with an enforcement notice.

Yours sincerely

A handwritten signature in black ink, appearing to be "JC", written over a light blue horizontal line.

Jeremy Carty

Local Laws Officer
Environmental Health and Regulation
Community, Environment & Lifestyle