



**Queensland  
Government**

**DEVELOPMENT SCHEME**

**FOR THE**

**TOWNSVILLE STATE DEVELOPMENT AREA**

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# DEVELOPMENT SCHEME

## 1. Introduction

- (1) This Development Scheme may be cited as the Development Scheme for the Townsville State Development Area.
- (2) This Development Scheme has been prepared pursuant to the *State Development and Public Works Organisation Act 1971* and shall come into operation on a date appointed by the Governor in Council by Proclamation published in the Gazette.
- (3) This Development Scheme has been prepared pursuant to section 79 of the *State Development and Public Works Organisation Act 1971*.

## 2. Definitions

- (1) In this Development Scheme:-

“advice agency” for an application made under section 9.1 of this Development Scheme is an agency that would have been an advice agency if the application had been one for a development approval under the *Integrated Planning Act 1997*.

“alternative lawful use” for land, means a lawful use for which the land could be used without approval prior to the Development Scheme taking effect in respect of the land.

“application” means an application for a material change of use of premises under section 9.1(1) of this Development Scheme.

“approval period” means the period referred to in section 9.6(2) of this Development Scheme.

“approved use”, for land, means a use of land approved under section 84(4) of the Act.

“authorised use” for land, means a use of land approved under a development approval, or an instrument taken to be a development approval under the *Integrated Planning Act 1997*.

“building” means a fixed structure that is wholly or partly enclosed by walls and is roofed, and includes any part of a building.

“community infrastructure” has the meaning given by the *Integrated Planning Act 1997*.

“concurrency agency” for an application made under section 9.1 of this Development Scheme is an agency that would have been the concurrency agency if the application had been one for a development approval under the *Integrated Planning Act 1997*.

“Coordinator-General” means the corporation sole constituted under section 8A of the *State Development and Public Works Organisation Act 1938*, and preserved, continued in existence and constituted under section 8 of the Act.

“Department” means the department administering the Act.

“Development Scheme” means the Development Scheme for the Townsville State Development Area.

“Environmental Impact Statement” means a statement

- (a) prepared under Division 3 of Part 4 of the Act;
- (b) required by the Coordinator-General under section 9.1(5)(a)(iv) of this Development Scheme; or
- (c) which accompanies an application under section 9.1(2)(e)(ii) of this Scheme.

A statement referred to in paragraphs (b) and (c) must –

- (i) describe the proposed use or uses in sufficient detail to establish its likely environmental effects;
- (ii) identify the likely beneficial and adverse environmental effects of the development;
- (iii) state the ways any adverse environmental effects may be mitigated; and
- (iv) be prepared using current information and methodologies that represent best environmental practice.

“Environmental Value” has the meaning given by the *Environmental Protection Act 1994*.

“material change of use” of premises means:

- (a) the start of a new use of the premises; or
- (b) the re-establishment on the premises of a use that has been abandoned; or
- (c) a material increase in the intensity or scale of the use of the premises; or

- (d) the meaning given by the *Integrated Planning Act 1997* or by any other Act for the purpose of the *Integrated Planning Act 1997* except the definition in the *Integrated Planning Act 1997* for administering IDAS under the *Environmental Protection Act 1994* for environmentally relevant activities,

but does not include a material change of use of premises for an environmentally relevant activity referred to in part 1, table 2, item 1 of schedule 8 to the *Integrated Planning Act 1997*, a mobile or temporary environmentally relevant activity referred to in part 1, table 5, item 3 of schedule 8 to the *Integrated Planning Act 1997* or an environmentally relevant activity referred to in part 2, table 5, item 1 of schedule 8 to the *Integrated Planning Act 1997*.

“materials transportation” means any method of moving raw, processed or manufactured materials such as water, sewage and gas within the Townsville State Development Area.

“minor change” to an approval of an application means a change to the approval of the Coordinator-General under this Development Scheme that would not, if the application was remade including the change:

- (a) be inconsistent with a recommendation made by a referral agency in a referral agency submission, unless agreed by the referral agency; and
- (b) require public notification because, in the opinion of the Coordinator-General, it is not likely to cause a person to make a submission objecting to the proposal; and
- (c) materially change the use of the premises for which approval has been granted.

“planning report” means a document containing:

- (a) an accurate description of the land, the subject of the application; and
- (b) the proposed use of the land, the subject of the application; and
- (c) an assessment of the application's consistency with the objectives and land use designations of the Townsville State Development Area; and
- (d) a description and assessment of the impacts of the proposal; and
- (e) a plan to manage any adverse impacts.

“Policies” means the Policies prepared in accordance with this Development Scheme.

“premises” means:

- (a) a building; or
- (b) land (whether or not a building is situated on the land).

“previous approval” means an:

- (a) alternative lawful use; or
- (b) approved use; or
- (c) authorised use.

“proponent” means a person who makes an application under section 9.1 of this Development Scheme.

“public sector entity” has the meaning given by the *Integrated Planning Act 1997*.

“referral agency” for an application means:

- (a) an agency that would have been an advice agency or concurrence agency if the application had been one for a development approval under the *Integrated Planning Act 1997*; and
- (b) Townsville City Council; and
- (c) where applicable, any other agency nominated by the Coordinator-General,

unless the Coordinator-General decides under section 9.1(9) of this Development Scheme that section 9.2 of this Development Scheme does not apply to the application.

“referral agency submission” means a submission prepared by a referral agency under section 9.2(4) of this Development Scheme.

“reviewer” is the person appointed by the Coordinator-General under section 9.4(1) of this Development Scheme.

“significant project” has the meaning given by the Act.

“supporting material” means the additional information provided by the proponent in response to a request by the Coordinator-General under section 9.1(6) and (7) and a referral agency under section 9.2(2) of this Development Scheme.

“the Act” means the *State Development and Public Works Organisation Act 1971*.

“Townsville landfill” means the municipal landfill facility operated by or on behalf of Townsville City Council on the commencement of this Development Scheme.

“Townsville State Development Area” means that part of the Stuart/Townsville area declared a State development area by the *State Development and Public Works Organisation (Townsville State Development Area) Regulation 2003* and any subsequent regulation.

“Townsville Zinc Refinery Land” is the site as defined in section 4 of the *Townsville Zinc Refinery Act 1996*.

“use”, of premises, includes any ancillary use of the premises.

- (2) In this Development Scheme the uses specified in Schedules 1 to 9 have the following meanings:-

“*Agriculture*” means premises used for the commercial or non-domestic growing of crops, pasture, trees, turf or other vegetation for commercial or non-domestic purposes.

“*Animal Husbandry*” means premises used for the keeping or breeding of animals or birds, for commercial or non-domestic purposes, in open paddocks or fields where those animals rely primarily on native or improved pasture for feed.

“*Car Washing Station*” means premises used for washing vehicles by mechanical means, and including mechanical car washing facilities co-located with a service station.

“*Catering Shop*” means premises used for the preparation of take away meals and foods for sale to the public, whether or not incidental facilities are also provided for eating on the premises, but where no provision is made for drive through service. The term includes premises commonly known as milk bars, snack bars, fish and chip shops, retail bakeries, coffee shops.

“*Extractive Industry*” means premises used for the extraction, stockpiling and removal for sale, of sand, gravel, rock, soil, stone or similar material from land and/or a watercourse. The use includes the screening, crushing, grinding, milling and storage of the material.

“*Freight Terminal*” means premises used for the purpose of bulk handling of goods for transport by road, rail, sea or air, including the loading and unloading of vehicles used to transport such goods.

“*Funeral Director’s Premises*” means premises used to arrange funerals and conduct memorial services and associated activities, but excluding burial and cremation. Premises used for this purpose may include a mortuary and funeral chapel, and an office for administration of the business.

“*Garden Centre*” means premises used for the display and retail sale of plants suitable for use in gardening or landscaping, whether or not such plants are grown on the site. The term includes ancillary use of such premises for the display and sale of such items as seeds, pots, packaged fertilisers and potting mixes, gardening tools and garden furniture and ornamentation.

“*General Industry*” means premises at which materials or components are treated, joined cut, mixed or changed in some way so as to produce a new, or altered, repaired or more refined article or thing.

“*Heavy Industry*” means premises used for activities listed below-

- meat and meat products manufacturing
- petroleum refining
- petroleum and coal product manufacture
- chemical manufacturing
- rubber product manufacturing
- cement, lime, plaster and concrete manufacturing
- non-metallic mineral product manufacturing or processing
- iron and steel manufacturing
- ferrous and non-ferrous metal manufacturing
- structural metal product manufacturing
- fertiliser manufacturing
- mineral processing

The term includes the storage of articles or materials associated with any of the activities.

“*Hotel*” means premises, other than a dedicated bottle shop, which are the subject of a general licence under the Liquor Act 1992. The term may include ancillary facilities such as dining and function rooms, accommodation, a packaged liquor sales outlet and a TAB agency.

“*Industry*” means a use of premises for any of the following operations which is not heavy or light industry under this Development Scheme –

- (a) any process of manufacture;
- (b) any mineral processing;
- (c) dismantling or breaking up of any article;
- (d) treating waste material;
- (e) laundering, repairing, servicing or washing any article, machinery or vehicle;
- (f) any process of testing or analysis,

if on the same land as any of these operations, it also includes –

- (i) storing goods used in the operation or resulting from it;
- (ii) providing amenities for people engaged in the operation;
- (iii) selling by wholesale, goods resulting from the operation;
- (iv) accounting or administration in connection with the operation.

“*Intensive Animal Husbandry*” means premises used for the commercial keeping or breeding of animals, generally in enclosures, where those animals generally rely on introduced feed rather than pasture. The use includes premises known as feedlots.

“*Landscape Supplies*” means premises used for the storage and/or sale of sand, soil, stone, screenings and other such garden and landscaping materials where such material is stored in bulk or loose (unpackaged) form. The term includes the ancillary use of such premises for the sale, display or offering for sale (in any quantity) of items such as –

- (a) seeds, plants, mulch or other propagative plant material;
- (b) goods associated with the cultivation of plants, garden ornamentation, furniture or structures;
- (c) garden tools or equipment.

“*Light Industry*” means premises used for activities listed below-

- fruit and vegetable processing
- bakery product manufacturing
- knitting mills
- clothing manufacturing
- footwear manufacturing
- leather and leather products manufacturing
- log sawmilling, timber dressing and other wood product manufacturing
- printing and associated services
- publishing
- structural metal product manufacturing
- motor vehicle part manufacturing
- photographic and scientific equipment manufacturing
- electronic equipment manufacturing
- electrical equipment and appliance manufacturing
- industrial machinery and equipment manufacturing
- furniture manufacturing
- building construction
- site preparation services
- installation trade services
- building completion services
- household equipment repair services
- automotive electrical services
- automotive repair and services
- technical services
- pest control services
- cleaning services.

“*Liquid Fuel Depot*” means premises used only or principally for the storage for wholesale distribution of-

- (a) petrol and automotive distillate or any derivatives there-from capable of use in internal combustion engines;
- (b) lubricating oils and greases;
- (c) power and lighting kerosene; or
- (d) flammable fuels,

provided that the maximum total quantity of all materials stored shall not be greater than 50,000 litres and of these materials no more than 5,000 litres shall be stored above ground.

“*Local Utility*” means premises used for any of the undertakings of the Townsville City Council (other than parkland and Townsville landfill) or other public sector entity, including -

- (a) water reticulation, sewerage and stormwater drainage;
- (b) other public purposes carried out by or for the Townsville City Council under the *Local Government Act 1993*;
- (c) the reticulation of electricity or gas; and
- (d) public transport facilities other than a transport depot or vehicle repair premises.

“*Major Utility*” means premises used for the purposes of –

- (a) the generation or supply of electricity or gas;
- (b) the storage or treatment of water, sewerage or garbage;
- (c) an emergency services station (including fire brigade and ambulance) or police station;
- (d) a depot operated by a public sector agency other than the Townsville City Council, but excluding a transport depot;
- (e) air and water landing facilities;
- (f) rail facilities, other than public transport facilities; and
- (g) a cemetery or crematorium.

“*Materials Transportation and Services Infrastructure*” means pipes used to transport materials, conveyors used to transport raw materials and products and other infrastructure used for materials transportation other than a road or railway.

“*Motel*” means premises comprising separate rooms intended to be rented for overnight or short stays. Motel rooms are not self contained but may contain some basic kitchen facilities. The term includes ancillary reception and office facilities and accommodation for the proprietor.

“*Road and Rail Infrastructure*” means road and rail infrastructure used for transport purposes. The term does not include *Local Utility*, *Major Utility* or *Materials Transportation and Services Infrastructure* as defined in this Development Scheme.

“*Sales or Hire Yard*” means premises used for -

- (a) the sale, hire or leasing of any construction or industrial plant and equipment, motor vehicles, caravans, boats, agricultural machinery, trailers, demountable and transportable structures and the like, including storage of these items at the premises;
- (b) the displaying for sale, hire or leasing of any items referred to in (a) above; or
- (c) a timber yard.

The term includes—

- (i) routine servicing of any items sold, hired or leased; and
- (ii) any ancillary use of those premises for the sale or hiring out of portable tools, machinery or equipment.

“*Service Industry*” means premises used for the conduct of a business which deals directly with the public, and which is characterised by –

- (a) performance of a service such as repairing or servicing computers or cameras, or manufacture or repair of jewellery, plan and document printing, and picture framing;
- (b) production of finished product such as dressmaking and sign-writing; and
- (c) repairing or restoring articles such as electrical appliances, bicycles, antiques, tools, sewing machines or jewellery.

“*Service Station*” means premises used primarily for the retail sale of motoring requirements such as fuel, lubricants, batteries, tyres, spare parts and auto accessories. When in conjunction with the primary activity, the use may also include –

- (a) the sale of packaged food and confectionary, and food prepared for immediate consumption, either on or off the premises;
- (b) vehicle servicing and repairs (excluding panel beating and spray painting); and
- (c) the hiring of a limited range of motor vehicles and trailers.

“*Shop*” means premises comprising a gross let-able floor area of 600 square metres or less used for the display and sale of goods to the public.

“*Showroom*” means premises used for the retail sale of goods which generate a purpose specific trip, are vehicle oriented rather than pedestrian oriented (ie a vehicle is usually required to be able to transport purchased goods sold) and are predominately of a bulky nature. Where goods include non-bulky items, they have a nexus with bulky goods and do not occupy more than 30% of the gross let-able area. Bulky goods offered for sale may include the following –

- (a) floor coverings, wall tiles, soft furnishings or bedding;
- (b) furniture and décor;
- (c) non-portable domestic appliances being washing machines, dishwashers, clothes dryers, refrigerators, hot-water systems, air conditioning and the like;
- (d) building and construction materials, fixtures and fittings; or
- (e) BBQs, camping goods or outdoor recreation goods.

“*Special Use*” the use of any premises for:-

- (a) local government purposes;
- (b) State Government purposes;
- (c) Australian Government purposes;
- (d) The activities of any statutory authority; or
- (e) any other public purpose not specifically included in any other definition in this development scheme.

“*Storage or Contractor’s Yard*” means premises used as –

- (a) a builders yard, or construction or earthmoving contractor’s yard; or
- (b) other premises used for the storage of plant and equipment, other than where the storage is ancillary to another use on the same premises.

“*Telecommunications Infrastructure*” means infrastructure regulated by the *Telecommunications Act 1997*.

“*Townsville Landfill*” means the municipal landfill facility operated by or on behalf of Townsville City Council on commencement of the Development Scheme.

“*Transport Depot*” means premises used for storing, maintaining, servicing or garaging of more than one bus, truck, taxi or other road transport vehicle. The term includes the use of such premises as an operational base for such vehicles.

“*Vehicle and Machinery Showroom*” means premises used for the display or sale of motor vehicles, caravans, mobile homes, boats, construction equipment, general and agricultural machinery, vehicle and machinery accessories, swimming pools or other similar items. The term includes an ancillary office on the same site where the display is primarily outdoors and servicing of vehicles sold from the site.

“*Vehicle Repair Premises*” means premises used for the purpose of servicing, repairing or maintaining motor vehicles, including fitting new parts, panel beating, spray painting and the sale and fitting of accessories to motor vehicles.

“*Warehouse*” means premises used for short or long term storage of goods, usually within a building, where the materials are kept pending –

- (a) transport to other premises for sale, either by wholesale or to the general public;
- (b) sale directly, from a trade showroom component of the premises, to trade and industry workers for use as an input to another business; or
- (c) handling, to the extent of breaking down large packages of goods into smaller or mixed packages of goods.

“*Waste Water Recycling and Irrigation*” means the use of premises for the treatment of water. The term also includes the beneficial use of reclaimed or treated water.

### **3. Background**

- (1) In August 2000, the Stuart Area Industrial Study (McWilliam Consulting Engineers, August 2000) was concluded and found that the Stuart area was suitable for the synergistic location of light, medium and heavy industry (page 78). Potential was identified for new industrial projects to co-locate with existing industries, taking advantage of buffer sharing and waste treatment and storage arrangements and to achieve synergies between industries based on the principles of industrial ecology.
- (2) In its “Report to the Government” dated 8 October 2001, Queensland Transport presented the findings of the December 2000 Townsville Port Access Impact Assessment Study prepared by Maunsell McIntyre Pty Ltd. The report recommended the route for road and rail alignments as outlined on page 98 of the Study.
- (3) On 19 November 2001 the road and rail route recommended by Queensland Transport was approved by the Government. The Government also agreed to secure this route for future use for transport infrastructure and to acquire associated industrial land.
- (4) The Port of Townsville is a major port for the export and import of bulk commodities such as nickel ore, copper and zinc concentrates and raw sugar. It is the most important general cargo and container port in North Queensland. The Port is strategically located, both for road and rail, at the junction of corridors running north-south and west to the Mt Isa region and is of economic significance to the region and State.

- (5) Three base metal refineries are currently operating in the Townsville region. Of these, two (Sun Metals zinc refinery and Xstrata copper refinery) are located in the Townsville State Development Area. It is considered Townsville has the potential to build on this industry sector foundation and establish the region as a world class base metals processing centre, capturing value-adding opportunities from mining in the North West Minerals Province. The establishment of a dedicated industrial location for major industry development, with good Port access, will assist minerals processing development in the region.
- (6) On 30 October 2003, the Government declared the Stuart Industrial Area to be a State Development Area, pursuant to the *State Development and Public Works Organisation Act 1971*. The Townsville State Development Area covers the Stuart Industrial Area and the Townsville Port Eastern Access (Road and Rail) Corridor, providing for future transport linkages from Stuart to the Port.
- (7) Declaration of the Townsville State Development Area will enable the State to facilitate and effectively manage the planned development and operation of industries of regional, State and national significance while at the same time ensuring the maintenance of a high level of environmental and community amenity. It will also ensure that the Townsville Port Eastern Access (Road and Rail) Corridor is preserved so as to provide viable future access to the Port of Townsville.

#### **4. Intent of the Development Scheme**

The intent of the Development Scheme is to:

- (a) establish a set of objectives for the orderly development of the Townsville State Development Area;
- (b) provide guidance and a framework for the orderly development of the Townsville State Development Area;
- (c) identify a range of land use designations for the Townsville State Development Area and specify the intended purpose of each designation;
- (d) establish a procedure for determination by the Coordinator-General of the suitability of uses in the Townsville State Development Area;
- (e) recognise that the Coordinator-General has primary carriage of the development, operation and management of the Townsville State Development Area;
- (f) recognise that other Government and semi-government agencies, the Townsville City Council and the community have an interest in the development, operation and management of the Townsville State Development Area through the implementation of effective referral and public consultation procedures in respect of future development proposals;
- (g) provide information about land in the Townsville State Development Area and its qualities and attributes;

- (h) provide guidance to infrastructure providers, Government and proponents about the orderly development of the Townsville State Development Area;
- (i) recognise the substantial body of work about the attributes of the land in the Townsville State Development Area and use this information as a resource when considering the suitability of development in the Townsville State Development Area;
- (j) assist in achieving ecological sustainability of activities within the Townsville State Development Area; and
- (k) identify which uses of land within the Townsville State Development Area are likely to meet the purpose of the land use designations for the Townsville State Development Area.

## **5. Townsville State Development Area Objectives**

The objectives of the Townsville State Development Area are to:

- (a) provide land for industrial development of regional, State and national significance and smaller complimentary industrial, infrastructure and service uses;
- (b) provide a dedicated and efficient means of access for materials, products, wastes and services between the Townsville State Development Area and the Port of Townsville;
- (c) provide planned industrial development that recognises environmental values and community values;
- (d) establish a development framework that provides for long term orderly industrial development in the Townsville region; and
- (e) ensure that the integrity and functionality of the Townsville State Development Area is maintained and protected from incompatible land uses and activities that may adversely affect the continued use of the Area.

## **6. Land Use Designations**

- (1) The Townsville State Development Area is divided into land use designations. The designations are shown on Map TSDA/2004/1.
- (2) The designations and their purpose are as follows:
  - (a) Heavy Industry Precinct:

To recognise existing large scale industrial development of regional, State and national significance in the Townsville State Development Area and protect this development from encroachment by inappropriate or conflicting land uses.

To provide additional land areas within the Townsville State Development Area for the future establishment of industrial uses of regional, State and national significance.

To provide land areas and corridors suitable for the establishment of major utilities and materials transportation and services infrastructure to be utilised by industries located within the Townsville State Development Area.

To ensure that industries in this precinct are developed and managed in a manner which has regard to other land use types in the Townsville State Development Area and adjoining areas.

(b) Transport Industries and Medium Industry Precinct:

To recognise existing or proposed Queensland Rail and Department of Main Roads operations.

To encourage the establishment of industries which are allied to and/or compatible with Queensland Rail and Department of Main Roads operations.

To ensure that uses in this precinct are developed and managed in a manner which has regard to the possible impact of these industries on other land use types within the Townsville State Area and non-industrial land uses beyond the boundary of the Townsville State Development Area.

(c) Low Impact and Light Industry Precinct:

To encourage the establishment of predominately light industrial, warehousing and transport related industrial uses which do not impose an undue demand on public utilities and which are not incompatible with industrial uses established in the Heavy Industry Precinct. Industrial and warehousing activities which can take advantage of co-location with industries established in the Heavy Industry Precinct will be particularly encouraged.

To recognise and protect existing light industrial development from encroachment by inappropriate or conflicting land uses.

To act as an area of transition separating industries established in the Heavy Industry Precinct from land uses located to the west of the Townsville State Development Area.

To ensure that uses in this precinct are developed and managed in a manner which has regard to the possible impact of these industries on other land use types within the Townsville State Development Area and non-industrial land uses beyond the boundary of the Townsville State Development Area.

(d) Materials Transportation and Services Corridor Precinct:

To provide the dedicated route for the Townsville Port Eastern Access (Road and Rail) Corridor as approved by the Government in November 2001.

To provide an efficient and effective route for materials transportation infrastructure and utility services between industrial development established in the Townsville State Development Area and the Port of Townsville. Materials transportation infrastructure is likely to include conveyors and pipelines. Utility services are likely to include water, gas, electricity, sewerage and telecommunications. Road and rail infrastructure will also be established in this Precinct.

To plan and develop the corridor in a manner which ensures the efficient use of available land.

To protect existing infrastructure located in the corridor and have regard to existing user requirements when considering the appropriateness of future infrastructure proposals.

(e) Buffer/Restricted Development Precinct:

To strongly discourage incompatible land uses from establishing near the Heavy Industry Precinct of the Townsville State Development Area.

To provide for the physical separation of industrial and other significant activities within the Townsville State Development Area from land uses outside the Townsville State Development Area.

To provide for the utilisation of limited areas within the Precinct for purposes which are largely unobtrusive in nature and do not threaten the integrity of the Precinct as a means of separating significant activities within the Townsville State Development Area from land uses outside the Townsville State Development Area.

To provide areas where flora and fauna may continue to exist in its natural state.

(f) Special Use (Townsville Landfill) Precinct:

To recognise the existing Townsville City Council Land Fill site and its continued utilisation for waste management purposes.

(g) Investigation Area Precinct

To recognise the suitability of this area for the continued purpose of waste water disposal, polishing, recycling and irrigation.

To recognise that, subject to demand and the carrying out of appropriate investigations, parts of this precinct may, in the future, be suitable for development for low-key industry, warehousing and transport industry purposes.

(h) Open Space Precinct

To recognise an area adjoining the western side of Stuart Creek which is the subject of rehabilitation works.

## **7. Policies**

- (1) The Coordinator-General may prepare Policies, which are consistent with the objectives and intent of this Development Scheme to assist in the implementation of the Development Scheme.
- (2) The Policies prepared for the Townsville State Development Area shall be used by the Coordinator-General, Townsville City Council, infrastructure providers and proponents to guide development.
- (3) The Coordinator-General shall hold for inspection details of decisions issued in respect of land or land use within the Townsville State Development Area.

## **8. Land Use Approval**

- (1) A material change of use in the Townsville State Development Area is assessed by the Coordinator-General under the provisions of this Development Scheme. Development under the *Integrated Planning Act 1997* other than a material change of use is assessed under the *Integrated Planning Act 1997*.
- (2) Notwithstanding the provisions of s.8(1), development described in part 1, table 2, item 1 of Schedule 8 to the *Integrated Planning Act 1997*, a mobile or temporary environmentally relevant activity referred to in part 1, table 5, item 3 of Schedule 8 to the *Integrated Planning Act 1997* or an environmentally relevant activity referred to in part 2, table 5, item 1 of Schedule 8 to the *Integrated Planning Act 1997* or any amendment to or re-enactment of those provisions is not assessable under the provisions of this Development Scheme. That development is assessed under the provisions of the *Integrated Planning Act 1997*.
- (3) The Coordinator-General shall have regard to the Intent, Objectives and Purposes of the Land Use Designations and Policies within this Development Scheme in considering the suitability of proposed and existing land uses within the Townsville State Development Area.

- (4) In considering applications for material change of use under this Development Scheme the Coordinator-General shall consult with the Department of Main Roads and have regard to the need to protect the integrity of limited access State controlled roads in the Townsville State Development Area and the desirability of ensuring adequate building setbacks from State controlled roads.
- (5) An approval may be subject to conditions, for example, a condition may place a limit on how long a use may continue or works remain in place, or a condition may require any necessary restoration of the premises and decommissioning works.
- (6) Subject to this Development Scheme, no person shall use any premises in any land use designation for a purpose set out in Column 2a, 2b or 2c of the Schedule opposite the name of that land use designation without the approval of the Coordinator-General.

## **9. Assessment Procedure and Process**

### **9.1 Application Stage**

- (1) A person may make application to the Coordinator-General for a material change of use of premises in the Townsville State Development Area.
- (2) An application must –
  - (a) include an accurate description of the land, the subject of the application; and
  - (b) identify the proposed use or uses for which approval is sought; and
  - (c) include the written consent of the owner of the land to the making of the application; and
  - (d) include the application fee determined by the Coordinator-General; and
  - (e) be accompanied by -
    - i) a planning report; or
    - ii) an Environmental Impact Statement.
- (3) Subject to subsection (4) a public sector entity is exempt from making an application under subsection (1) where the proposed material change of use is in relation to community infrastructure on land identified or reserved for that purpose on the map referred to in section 6(1) of this Development Scheme. (For example, existing State controlled roads, railways, power line easements and land for water treatment and distribution).
- (4) Notwithstanding subsection (3), a public sector entity is not exempt from making an application under subsection (1) if the material change of use is assessable or self assessable development under schedule 8 of the *Integrated Planning Act 1997*.

- (5) The Coordinator-General must, within 20 business days after receiving the application –
- (a) decide to –
    - i) request additional information from the proponent; or
    - ii) advise the proponent that the proponent's proposed use is under consideration for declaration as a significant project pursuant to section 26 of the Act; or
    - iii) advise the proponent that the proponent's proposed use has been declared a significant project pursuant to section 26 of the Act; or
    - iv) require the proponent to provide an Environmental Impact Statement and, if he so requires, advise its terms of reference; or
    - v) process the application without further information; and
  - (b) give the proponent written notification of the decision under subsection (5)(a) and a timeframe for providing any additional information or an Environmental Impact Statement.
- (6) If the proponent is advised under subsection (5)(a)(ii) and the proposed use is not declared a significant project, then the Coordinator-General must within 10 business days of deciding that the proposed use is not to be declared a significant project:-
- (a) decide to –
    - i) request additional information from the proponent; or
    - ii) process the application without further information, and
  - (b) give the proponent written notification of the decision under subsection (6)(a) and a timeframe for providing any additional information.
- (7) If the proponent receives a request under subsection (5)(a)(i) or (6)(a)(i), the proponent must respond by giving the Coordinator-General –
- (a) all the information requested; or
  - (b) part of the information requested together with a notice asking the Coordinator-General to proceed with the assessment of the application; or
  - (c) a notice stating the information requested will not be provided and asking the Coordinator-General to proceed with the assessment of the application.
- (8) If the proposed use is declared a significant project pursuant to section 26 of the Act or if the Coordinator-General makes a decision under s.9.1 (5)(a)(iv) of this Development Scheme, the proponent is required to provide to the Coordinator-General an Environmental Impact Statement.

- (9) The Coordinator-General may decide that sections 9.2, 9.3 and 9.4 do not apply in whole or in part to an application:
- (a) accompanied by an Environmental Impact Statement for which a report evaluating the Environmental Impact Statement has been prepared; or
  - (b) accompanied by a planning report that is an Impact Assessment Study prepared pursuant to section 26 of the Act and accepted as a final Impact Assessment Study by a responsible authority; or
  - (c) for which the proponent has provided an Environmental Impact Statement and a report evaluating the Environmental Impact Statement has been prepared; or
  - (d) accompanied by documentation providing sufficient information for the Coordinator-General to be satisfied no further information is needed to assess the application; or
  - (e) that has already been subject to some form of referral to stakeholders or public consultation that is deemed to satisfy the requirements of section 9.2, 9.3 or 9.4,

to avoid duplication of referral and public notification processes undertaken in preparing an Environmental Impact Statement or similar documentation.

- (10) In making a decision under section 9.1(9) that section 9.2 does not apply or applies only in part, the Coordinator-General must obtain confirmation from referral agencies that they do not require referral under section 9.2.

## **9.2 Referral Stage**

- (1) The Coordinator-General –
- (a) may nominate additional referral agencies;
  - (b) shall refer the application to the relevant referral agency within 10 business days after the completion of any of the following –
    - i) the receipt of an application accompanied by a planning report for which further information is not required; or
    - ii) the receipt of an application accompanied by an Environmental Impact Statement; or
    - iii) the receipt of additional information from the proponent in response to a request by the Coordinator-General and satisfactory to the Coordinator-General, and
  - (c) shall give written notification to the proponent of the referral of the application to each referral agency.
- (2) The Coordinator-General may, within 20 business days after completing the requirements in subsection (1) and after consultation with each referral agency, by written request ask the proponent to give additional information to a referral agency which is needed to assess the application.

- (3) If the proponent receives a request for additional information, the proponent must, within a period of not more than 60 business days or such longer period as may be agreed by the Coordinator-General, give each requesting referral agency a written response supplying –
  - (a) all of the information requested; or
  - (b) part of the information requested together with a notice asking the requesting referral agency to proceed with the assessment of the application; or
  - (c) a notice stating that the information requested will not be provided and asking the requesting referral agency to proceed with the assessment of the application.
  
- (4) If the proponent is not required to give further information to a referral agency, each referral agency must within 30 business days after receiving the application under subsection (1) –
  - (a) assess the application; and
  - (b) give to the Coordinator-General a written submission on the application including any recommendations to address the impact of the material change of use.
  
- (5) If the proponent is required to give further information to a referral agency, each referral agency must within 30 business days after receiving a written response from the proponent under subsection (3) –
  - (a) assess the application; and
  - (b) give to the Coordinator-General a written submission on the application including any recommendations to address the impact of the material change of use; and
  - (c) give to the Coordinator-General a copy of the proponent’s response under subsection (3).
  
- (6) If a referral agency does not respond within the required time the Coordinator-General may proceed to the next stage of the assessment process as if the agency had assessed the application, and given to the Coordinator-General –
  - (a) a written submission on the application; and
  - (b) a copy of the proponent’s response under subsection (3).

### **9.3 Public Notification**

- (1) Public notification of an application is required only if the application meets the criteria of public notification in the Policies.

- (2) The Coordinator-General must within 10 business days after receiving a referral agency submission from each referral agency give written notice to the proponent:
  - (a) advising whether or not the application requires public notification; and
  - (b) if public notification is required, the requirements for public notification.
- (3) The public notification period is not less than 15 business days starting on the day after the last action under subsection (4)(a) is carried out.
- (4) The proponent must undertake public notification of an application –
  - (a) in the manner and form specified by the Coordinator-General in the written notice under subsection (2), and may include, but is not limited to -
    - i) placing a notice on the land, the subject of the application; and
    - ii) serving a notice on all adjoining land owners; and
    - iii) publishing a notice in the newspaper circulating in the Townsville City Council area in which the land, the subject of the application, is located, and
  - (b) within 30 business days after receiving notification from the Coordinator-General under subsection (2).
- (5) Any notice referred to in subsection (4)(a) must include notification that any person may make a submission in writing to the Coordinator-General and details of the last date for the receipt of such submission, which is to be a day not less than 15 business days after the date of compliance with subsection (4).
- (6) The notice placed on the land must remain on the land for all of the public notification period.
- (7) If public notification is required, the Coordinator-General must make the application, the planning report, Environmental Impact Statement or other similar documentation as the case may be, and the supporting material available for inspection and purchase by the public in both the Townsville and Brisbane regions.
- (8) A person may, on or before the last day for the receipt of submissions, make a submission in respect of the application –
  - (a) in writing and signed by the person making the submission; and
  - (b) addressed to the Coordinator-General and lodged with the Department.
- (9) Within 5 business days after the last date for the receipt of submissions, the proponent is to provide the Coordinator-General with a statutory declaration in a form approved by the Coordinator-General which establishes that the proponent has complied with subsections (3), (4), (5) and (6) and states the last date for the receipt of submissions.

#### **9.4 Review Stage**

- (1) The Coordinator-General may appoint a qualified person or persons to review a submission received in response to the application by any person or a referral agency.
- (2) The reviewer must be appointed within 15 business days after the completion of the last of the following actions –
  - (a) the proponent giving the Coordinator-General a statutory declaration under section 9.3(9); or
  - (b) the receipt of a referral agency submission from each referral agency.
- (3) The reviewer must review each submission having regard to, but not limited to –
  - (a) the application; and
  - (b) the planning report, Environmental Impact Statement or similar documentation; and
  - (c) all submissions referred to the reviewer; and
  - (d) the supporting material; and
  - (e) the Development Scheme; and
  - (f) the Policies.
- (4) The reviewer may invite a submitter to attend a hearing conducted by the reviewer, which hearing shall occur within 15 business days of the reviewer receiving the submission.
- (5) The reviewer must give the Coordinator-General a report on the submission –
  - (a) within 15 business days after the date of completing the hearing; or
  - (b) within 25 business days after receiving the submission, where no hearing was conducted by the reviewer.
- (6) The Coordinator-General may, on request by the reviewer, extend the period for the reviewer to give a report to the Coordinator-General by not more than 15 business days, if in the opinion of the Coordinator-General, the issues contained in the submission are complex or there are a large number of submissions.
- (7) The report of the reviewer must –
  - (a) advise on the merits of the submission; and
  - (b) identify what the implications of the submission are for the application; and
  - (c) identify any means of overcoming the issues raised in the submission; and
  - (d) make recommendations about the submission.

If a reviewer does not respond within the required time the Coordinator-General may proceed to the next stage of the assessment process as if the Coordinator-General had not appointed a reviewer under section 9.4(1) of this Development Scheme.

### **9.5 Decision Stage**

- (1) If:
- (a) an application is accompanied by an Environmental Impact Statement; or
  - (b) the Coordinator-General declares the proposed use to be a significant project,
- the Coordinator-General must complete a report evaluating the Environmental Impact Statement within 30 business days after the completion of the last of the following –
- i) receiving an application satisfactory to the Coordinator-General; or
  - ii) receiving the report of the reviewer; or
  - iii) the proponent giving the Coordinator-General a statutory declaration under section 9.3(9) of this Development Scheme; or
  - iv) the receipt of a submission from each referral agency under section 9.2(4) or 9.2(5) of this Development Scheme.
- (2) The Coordinator-General must decide the application within 30 business days of completing the report evaluating the Environmental Impact Statement or if the Coordinator-General is not required to complete the report in accordance with section 9.5(1) the Coordinator-General must decide the application within thirty (30) business days of the completion of the last of the following –
- (a) receiving an application satisfactory to the Coordinator-General; or
  - (b) receiving a report of the reviewer; or
  - (c) the proponent giving the Coordinator-General a statutory declaration under section 9.3(9) of this Development Scheme; or
  - (d) the receipt of a submission from each referral agency under section 9.2(4) or 9.2(5) of this Development Scheme.
- (3) The Coordinator-General may, by written notice given to the proponent, extend the decision making period by not more than 45 business days.
- (4) The Coordinator-General must assess the application having regard to, but not limited to –
- (a) the planning report or Environmental Impact Statement and report evaluating the Environmental Impact Statement; and

- (b) the supporting material;
  - (c) and each referral agency submission; and
  - (d) each submission received in response to the application; and
  - (e) the report of the reviewer; and
  - (f) the Development Scheme; and
  - (g) the Policies.
- (5) In deciding the application, the Coordinator-General may –
- (a) approve the application; or
  - (b) approve the application subject to conditions decided by the Coordinator-General; or
  - (c) refuse the application.
- (6) Within 5 business days after deciding the application, the Coordinator-General must notify each referral agency of the decision. The Coordinator-General must consult with each referral agency if requested by a referral agency. The referral agency must request and conclude such consultation within 20 business days of being notified. The Coordinator-General must decide within 10 business days of consulting with the referral agency whether or not to amend the decision.
- (7) The Coordinator-General must give written notice of the decision to –
- (a) the proponent; and
  - (b) each referral agency; and
  - (c) each person who made a submission in response to the application.
- (8) The decision notice must be given within 10 business days after the day the decision is made under subsection (5) or subsection (6), whichever is later, and must include the following –
- (a) whether the application is approved, approved subject to conditions or refused; and
  - (b) if the application is approved subject to conditions, the terms of each condition; and
  - (c) the reasons for the decision.
- (9) There is no appeal against the Coordinator-General's decision under this Development Scheme or any other Act.

## **9.6 *Term of Approval***

- (1) If an application is approved under section 9.5 or an approval is given under section 13(4), the approval takes effect from the time the decision notice is given.

- (2) An approval referred to in subsection (1) lapses if development under the approval has not substantially commenced within 4 years starting the date the approval takes effect.
- (3) The proponent for the application or in the case of an approval under section 13(4), the owner, may, before the approval lapses, request that the Coordinator-General extend the approval period. A request must:
  - (a) be in writing;
  - (b) if the person requesting the extension is not the owner of the land the subject of the application, include the owner's consent; and
  - (c) include reasons for the request.
- (4) The Coordinator-General must consult with any referral agency for the application about the request made under subsection (3) before making a decision on the request.
- (5) The Coordinator-General must make a decision on the request made under subsection (3) within 30 business days after receiving the request.
- (6) The Coordinator-General and the person making the request under subsection (3) may agree to extend the period within which the Coordinator-General must decide the request.
- (7) Despite subsection (2), an approval under section 9.5 or section 13(4) of this Development Scheme in respect of which a request under subsection (3) has been received, does not lapse until the Coordinator-General decides the request.
- (8) The Coordinator-General may either approve or refuse the request under subsection (3). If the request is approved, the approval period may be extended for a period to be determined by the Coordinator-General. After deciding the request, the Coordinator-General must, within 10 business days of deciding the request, give notice of the decision to the person who applied for the request under subsection (3) and any referral agency.
- (9) This section 9.6 does not apply to an approval under section 12 of this Development Scheme.

## **10. Minor Change of the Approval**

- (1) The proponent may at any time request the Coordinator-General by written notice to approve a change to an approval under this Development Scheme or to any conditions to which the approval is subject.

- (2) If the proponent is not the owner of the land, the subject of the approval, the request must include the consent of the owner of the land.
- (3) The Coordinator-General may approve the request only if the change is, in the opinion of the Coordinator-General, a minor change to the approval or any conditions to which the approval is subject.

## **11. Existing Use Rights**

- (1) Pursuant to section 85 of the Act if immediately before the Development Scheme applied to land, a person was lawfully using the land and the person continues the use after the Development Scheme applied to the land, the use may continue.

## **12. Approval of Use of Townsville Zinc Refinery Land**

- (1) The use of the Townsville Zinc Refinery Land for the purposes stated in Schedule 3 Part 1 of the Townsville Zinc Refinery Act 1996 is, to the extent that approval is required under this Development Scheme, approved by the Coordinator-General without conditions.

## **13. Approval of an Authorised, Alternative Lawful or Approved Use**

- (1) Pursuant to the Act, an owner may make application to the Coordinator-General to approve a previous approval that existed immediately before a Development Scheme started applying to the land and after the Development Scheme started applying to the land the previous approval would have been an offence under section 84 of the Act.
- (2) An application must –
  - (a) be made in a form approved by the Coordinator-General; and
  - (b) include an accurate description of the land, the subject of the application; and
  - (c) identify the proposed use or uses for which approval is sought; and
  - (d) include a copy of any previous approval issued in relation to the use.
- (3) The Coordinator-General must decide the application within 20 business days having regard to, but not limited to:
  - (a) the application;
  - (b) the Development Scheme; and
  - (c) the Policies.

- (4) In deciding the application, the Coordinator-General may –
  - (a) approve the application consistent with the previous approval; or
  - (b) approve the application subject to conditions decided by the Coordinator-General, and/or amended conditions of the previous approval after having consulted with relevant referral agencies; or
  - (c) refuse the application.
- (5) The Coordinator-General must within 10 business days of deciding the application give written notice of the decision with reasons to –
  - (a) the proponent; and
  - (b) each referral agency;
- (6) There is no appeal against the Coordinator-General's decision under this Development Scheme or any other Act.

#### **14. Claim for Compensation**

- (1) Pursuant to section 87 of the Act an owner of an interest in land is entitled to be paid reasonable compensation by the Coordinator-General except in the circumstances in section 88 of the Act if:
  - (a) immediately before an approved development scheme started applying to the land there was a previous approval;
  - (b) after the approved development scheme started applying to the land the previous approval would have been an offence under the Act;
  - (c) the application of the approved development scheme to the land reduces the value of the interest in land; and
  - (d) the owner has asked the Coordinator-General to approve the previous approval and the Coordinator-General refuses the application.
- (2) Section 89 of the Act requires that a claim for compensation must be made to the Coordinator-General within 3 years after the day the approved Development Scheme came into effect.
- (3) For the purposes of this section, “authorised use”, “approved use” and “alternative lawful use” have the meanings set out in section 87 of the Act.

### Schedule 1 – Heavy Industry Precinct

Column 1	Column 2		
	Column 2a	Column 2b	Column 2c
<b>Use designation</b>	<b>Uses that are considered highly likely to meet the purpose of the land use designation</b>	<b>Uses that may meet the purpose of the land use designation</b>	<b>Uses that are considered likely to compromise the purpose of the land use designation</b>
Heavy Industry Precinct	Agriculture Animal Husbandry Heavy Industry Industry Local Utility Major Utility Materials Transportation and Services Infrastructure Telecommunications Infrastructure	Extractive Industry General Industry Intensive Animal Husbandry Liquid Fuel Depot Special Use	All other uses not specified in Columns 2a and 2b

## Schedule 2 – Transport Industries and Medium Industry Precinct

Column 1	Column 2		
	Column 2a	Column 2b	Column 2c
<b>Use designation</b>	<b>Uses that are considered highly likely to meet the purpose of the land use designation</b>	<b>Uses that may meet the purpose of the land use designation</b>	<b>Uses that are considered likely to compromise the purpose of the land use designation</b>
Transport Industries and Medium Industry Precinct	General Industry Local Utility Materials Transportation and Services Infrastructure Telecommunications Infrastructure Transport Depot	Car Washing Station Freight Terminal Funeral Director's Premises General Industry Industry Landscape Supplies Light Industry Liquid Fuel Depot Local Utility Major Utility Sales or Hire Yard Service Industry Service Station Special Use Storage or Contractor's Yard Vehicle Repair Premises Warehouse	All other use not specified in Columns 2a and 2b

### Schedule 3 – Low Impact and Light Industry Precinct

Column 1	Column 2		
	Column 2a	Column 2b	Column 2c
<b>Use designation</b>	<b>Uses that are considered highly likely to meet the purpose of the land use designation</b>	<b>Uses that may meet the purpose of the land use designation</b>	<b>Uses that are considered likely to compromise the purpose of the land use designation</b>
Low Impact and Light Industry Precinct	Agriculture Animal Husbandry Freight Terminal Light Industry Local Utility Service Industry Special Use Telecommunications Infrastructure Warehouse	Car Washing Station Catering Shop Funeral Director's Premises Garden Centre General Industry Hotel Industry Landscape Supplies Major Utility Materials Transportation and Services Infrastructure Motel Sales or Hire Yard Service Station Shop Showroom Storage or Contractor's Yard Transport Depot Vehicle and Machinery Showroom Vehicle Repair Premises	All other uses not specified in Columns 2a and 2b

### Schedule 4 – Materials Transportation and Services Corridor Precinct

Column 1	Column 2		
	Column 2a	Column 2b	Column 2c
<b>Use designation</b>	<b>Uses that are considered highly likely to meet the purpose of the land use designation</b>	<b>Uses that may meet the purpose of the land use designation</b>	<b>Uses that are considered likely to compromise the purpose of the land use designation</b>
Materials Transportation and Services Corridor Precinct	Local Utility Materials Transportation and Services Infrastructure Road and Rail Infrastructure Telecommunications Infrastructure	Special Use	All other uses not specified in Columns 2a and 2b

### Schedule 5 – Buffer/Restricted Development Precinct

Column 1	Column 2		
	Column 2a	Column 2b	Column 2c
<b>Use designation</b>	<b>Uses that are considered highly likely to meet the purpose of the land use designation</b>	<b>Uses that may meet the purpose of the land use designation</b>	<b>Uses that are considered likely to compromise the purpose of the land use designation</b>
Buffer/Restricted Development Precinct	Agriculture Animal Husbandry	Local Utility Materials Transportation and Services Infrastructure Special Use Telecommunications Infrastructure	All other uses not specified in Columns 2a and 2b

### Schedule 6 – Special Use (Townsville Landfill) Precinct

Column 1	Column 2		
	Column 2a	Column 2b	Column 2c
<b>Use designation</b>	<b>Uses that are considered highly likely to meet the purpose of the land use designation</b>	<b>Uses that may meet the purpose of the land use designation</b>	<b>Uses that are considered likely to compromise the purpose of the land use designation</b>
Special Use (Townsville Landfill) Precinct	Townsville Landfill	Special Use	All other uses not specified in Columns 2a and 2b

### Schedule 7 – Investigation Area Precinct

Column 1	Column 2		
	Column 2a	Column 2b	Column 2c
<b>Use designation</b>	<b>Uses that are considered highly likely to meet the purpose of the land use designation</b>	<b>Uses that may meet the purpose of the land use designation</b>	<b>Uses that are considered likely to compromise the purpose of the land use designation</b>
Investigation Area Precinct	Waste Water Recycling and Irrigation	Freight Terminal General Industry Light Industry Local Utility Materials Transportation and Services Infrastructure Special Use Telecommunications Infrastructure Transport Depot Warehouse	All other uses not specified in Columns 2a and 2b

### Schedule 8 – Open Space Precinct

Column 1	Column 2		
	Column 2a	Column 2b	Column 2c
<b>Use designation</b>	<b>Uses that are considered highly likely to meet the purpose of the land use designation</b>	<b>Uses that may meet the purpose of the land use designation</b>	<b>Uses that are considered likely to compromise the purpose of the land use designation</b>
Open Space Precinct	Nil	Nil	All other uses not specified in Columns 2a and 2b