

Townsville City Waterfront
Priority Development Area
Interim Land Use Plan

September 2014



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1.0 Preliminary

1.1 Introduction

The Townsville City Waterfront Priority Development Area (PDA) Interim Land Use Plan (ILUP) has been prepared pursuant to Section 38 of the *Economic Development Act 2012* (the ED Act) and applies only to land within the declared Townsville City Waterfront PDA boundary identified in Figure 1.

This ILUP commences on declaration.

1.2 Economic Development Act

The ED Act provides for particular parts of the State to be declared as areas called Priority Development Areas.

The main purpose of the ED Act is to establish the Minister for Economic Development Queensland (MEDQ) to plan, carry out, promote or coordinate activities to facilitate economic development and development for community purposes in declared PDAs in Queensland.

1.3 The elements of the ILUP

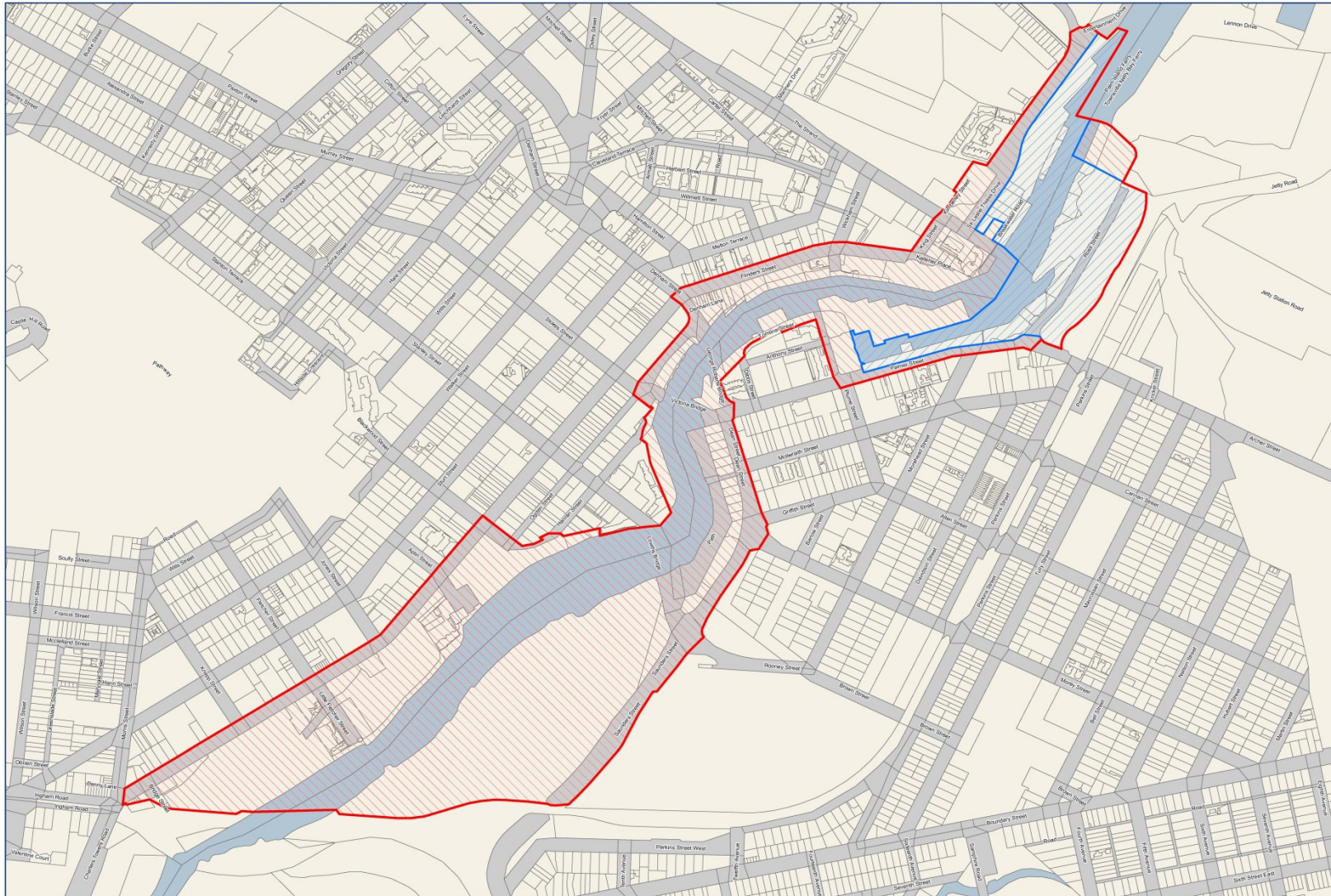
This ILUP contains:

- a vision for the PDA, and
- development requirements.

The vision identifies the broad planning outcomes for the PDA. The principles contained in the vision seek to achieve for the PDA, the purposes of the ED Act and are the basis for the development requirements.

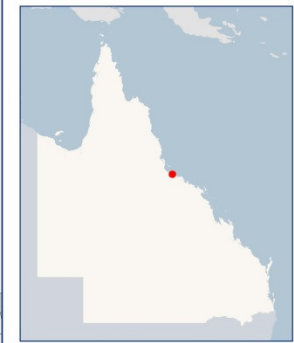
The development requirements state the requirements for carrying out development to achieve the vision for the PDA. These requirements apply to all PDA assessable and self-assessable development in the PDA. To the extent a requirement is relevant, it must be taken into account in the preparation of a PDA development application and the assessment of the application.

Figure 1: Townsville City Waterfront PDA and Precincts



Townsville City Waterfront PDA

- Legend**
- PDA Boundary
 - Precinct 1 (Balance of PDA)
 - Precinct 2 (Port Land)
 - Road Casement
 - Water Casement
 - Cadastre (August 2014)



Coordinate System: GCS GDA 1994
Datum: GDA 1994
Units: Degree

2.0 Strategic context

2.1 Location

The Townsville City Waterfront PDA covers land located on both sides of Ross Creek which is directly adjacent to Townsville's Central Business District (CBD). To the west, the area connects the Railway Station to the Breakwater. To the east, the area connects Reid Park to the new Quayside Townsville Terminal. Land holdings bounding the Ross Creek Waterfront consist of a multitude of uses including water leases, vacant land, public utilities, existing buildings and lots currently under construction.

2.2 Background

The Townsville City Waterfront PDA was declared by a regulation on 5 September 2014.

The PDA covers a total area of approximately 97.2 hectares.

2.3 PDA Vision

The Townsville City Waterfront PDA is a world class, active and vibrant destination in Townsville's CBD. The Waterfront is the CBD's point of difference for commercial and business uses, investment, recreation and civic life. This large scale civic enhancement and place enabling project will leverage and accentuate the existing natural assets of the CBD waterfront and play a transformational role in achieving 30,000 people living and working in the wider CBD by 2030. The PDA will achieve this vision through the following principles:

- The Townsville City Waterfront PDA will be a vibrant mixed use place where people live, work and play in a high density environment which is active both during the day and night-time;
- The Townsville City Waterfront PDA will support the wider CBD functions, which is the highest order centre in Townsville which services a regional catchment;
- Pedestrian and cycle access will be complemented by a network of shared paths along the banks of Ross Creek and pedestrian and cycle creek crossings;
- A variety of public open space areas at different scales and forms will be provided for event and gathering spaces;
- Development will be designed to incorporate exemplar sustainable practices that retain and enhance important natural, cultural, social and historical features;
- Development within Precinct 2 is to be appropriately located, designed and managed to maintain the Port's current and future operational requirements;
- The Port land located within the Townsville City Waterfront PDA will be integrated with the CBD, Palmer Street and the Strand where possible to maximise community access to and use of waterfront areas.
- The Townsville City Waterfront PDA will support strong integration of port and city, seamlessly linking the two.

3.0 Development requirements

For Precinct 1, the development requirements are the applicable provisions of the Townsville Planning Scheme¹ (planning scheme) and apply to all PDA Assessable and Self-assessable development.

For Precinct 2, the development requirements are the applicable provisions of the Port of Townsville land use plan² (port land use plan) and apply to all PDA Assessable development.

¹ Townsville City Plan (October 2014)

² Port of Townsville Land Use Plan January 2013

4.0 Development assessment procedures

4.1 Operation of the ILUP

4.1.1 Purpose of the ILUP

The purpose of this ILUP is to guide development of the PDA until the development scheme takes effect.

4.1.2 Levels of assessment

Table 1 identifies whether development within the PDA is:

- PDA Exempt development - Column 1
- PDA Self-assessable development - Column 2
- PDA Assessable development (Permissible) - Column 3A (Permissible development)
- PDA Assessable development (Prohibited) - Column 3B (Prohibited development).

PDA Exempt Development

Development identified as PDA Exempt development means that a PDA development approval is not necessary prior to carrying out the use or works.

PDA Self-Assessable Development

A PDA development application is not necessary for PDA Self-assessable development complying with the development requirements specified in this ILUP.

PDA Assessable Development (Permissible)

Permissible development requires a PDA development application to be lodged with the MEDQ for assessment and decision. Approval is required for permissible development to be undertaken. Identification of development as permissible development does not mean that a PDA development approval (with or without conditions) will be granted.

PDA Assessable Development (Prohibited)

Development mentioned in Table 1 Column 3B is PDA Assessable development (Prohibited) and may not be carried out in the PDA.

4.1.3 Schedules

Schedule 1 identifies development that is exempt from assessment.

Schedule 2 provides the use and administrative definitions required to interpret and apply the scheme.

4.2 Development assessment

4.2.1 Development consistent with the ILUP

Permissible development is consistent with the ILUP if:

- i) the development complies with relevant development requirements

- ii) the development does not comply with one or more of the aspects of the development requirements but:
 - (a) The development does not conflict with the PDA vision
 - (b) In precinct 2 development does not conflict with the Strategic Vision and Strategic Outcomes of the Port Land Use Plan, and
 - (c) There are sufficient grounds to justify the approval of the development despite the non-compliance with the development requirements.

In this section 'grounds' means matters of public interest which include the matters specified as the main purposes of the Act as well as:

- i) superior design outcomes
- ii) overwhelming community need.

'Grounds' does not include the personal circumstances of an applicant, owner or interested third party.

4.2.2 Development approval

Identification of development as PDA assessable development does not mean that a PDA development approval (with or without conditions) will be granted.

PDA assessable development requires a PDA development application to be lodged with MEDQ for assessment and decision³.

Approval is required before PDA assessable development is undertaken.

4.2.3 Notification requirements

For Precinct 1, a PDA development application must require public notification if the application would require public notification under the planning scheme.

For precinct 2, a PDA development application is exempt from requiring public notification.

4.2.4 Relationship with other planning instruments

In Precinct 1 the ILUP adopts the provisions of the planning scheme with the following exceptions:

- references in the planning scheme to:
 - Exempt development are taken to be references to PDA Exempt development
 - Self-assessable development are taken to be references to PDA Self-assessable development
 - Assessable development are taken to be references to PDA Assessable development
 - Development application is taken to be a reference to a PDA Development application
 - Code assessable development (or Code assessable) is taken to be a reference to PDA Assessable development (Permissible)

³ For Precinct 1 the MEDQ has delegated responsibility for development assessment in the Townsville City Waterfront PDA to Townsville City Council. All PDA development applications in Precinct 1 should be lodged with Townsville City Council. Other applications should be lodged with MEDQ.

- Impact assessable development (or Impact assessable) is taken to be a reference to PDA Assessable development (Permissible)
- Development approvals are taken to be references to PDA Development approvals
- certain administrative definitions are as defined in Schedule 2 of this ILUP
- the levels of assessment for development (as set out in the assessment tables in the planning scheme) are set out in Table 1.

In Precinct 2 the ILUP adopts the provisions of the Port land use plan with the following exceptions:

- references in the Port land use plan to:
 - Exempt development are taken to be references to PDA Exempt development
 - Assessable development are taken to be references to PDA Assessable development
 - Development application is taken to be a reference to a PDA Development application
 - Code assessable development (or Code assessable) is taken to be a reference to PDA Assessable development (Permissible)
 - Development approvals are taken to be references to PDA Development approvals
- certain administrative definitions are as defined in Schedule 2 of this ILUP
- the levels of assessment for development (as set out in the assessment tables in the land use plan) are set out in Table 1.

This ILUP prevails to the extent of an inconsistency with any of the following instruments:

- a planning instrument
- a plan, policy or code made under the *Sustainable Planning Act 2009* (SPA) or another Act.

Unless this ILUP specifically applies a provision of a planning scheme, or a plan, policy or code made under SPA or another Act, the ILUP is inconsistent with the provisions of the planning scheme, plan, policy or code.

4.2.5 State interests

Relevant matters of state interest will be considered as part of the assessment of an application.⁴

4.2.6 Relationship with other legislation

In addition to assessment against the ILUP, development may require assessment against other legislation for example the *Plumbing and Drainage Act 2002*, *Marine Parks Act 2004*, *Transport Infrastructure Act 1994* and the *Sustainable Planning Act 2009*.

⁴ In accordance with S 87 (1) (b) of the Economic Development Act 2012, assessment of the application must consider any interest that, in the MEDQ's opinion affects economic, community or environmental interests of the State or region. For the purposes of addressing state interests in development assessment the single SPP and DA online mapping provide guidance in identifying if a state interest is relevant to the assessment of a PDA development application (refer to: <http://www.dsdip.ald.go.au/about-planning/da-mapping-system.html>). Where the MEDQ delegates development assessment functions and powers, applicants and the delegate should also refer to <http://www.dsdip.qld.gov.au/resources/guideline/pda/practice-note-14-state-interests.pdf>)

Table 1: Levels of assessment

Column 1 Exempt development	Column 2 PDA self assessable development	Column 3 – PDA assessable development	
		Column 3A Permissible development	Column 3B Prohibited development
<ol style="list-style-type: none"> 1. Included in the Exempt development category in the relevant zone in the planning scheme. 2. Identified as Exempt development in the Port land use plan 3. If the land is not on the Environmental Management Register: <ol style="list-style-type: none"> (i) development specified in schedule 1 (ii) material change of use if in accordance with an approved Plan of Development (PoD) (iii) operational work or building work in accordance with an approved PoD. 	<p>Development, except development mentioned in Schedule 1, that is included in the Self Assessment assessment category in the relevant zone in the planning scheme.</p>	<p>Development, except for development mentioned in column 1 or Column 2, that is:</p> <ol style="list-style-type: none"> 1. Included in the Code Assessment or Impact Assessment assessment categories in the relevant zone in the planning scheme 2. Identified as assessable in the Port land use plan 	<p>Nil</p>

4.3 Plan of Development

A Plan of Development (PoD) may accompany an application for a material change of use or reconfiguring a lot. A PoD may include maps, graphics and text that collectively demonstrate how proposed uses, works and lots will contribute towards the achievement of the vision and will be consistent with the relevant PDA development requirements.⁵

The PoD can not include land beyond the boundary of the land which is the subject of the application, but may cover only part of the land the subject of the application.

Under Table 1: Levels of assessment, development approved in accordance with a PoD is exempt development and requires no further development approval under the scheme.

For further advice on preparing a PoD refer to the applicable practice note available on the EDQ website.

⁵ For further advice on preparing a PoD refer to the applicable practice note available on the EDQ website www.edq.qld.gov.au/guidelines-and-practice-notes/economic-development-queensland/guidelines-and-practice-notes.html /

5.0 Infrastructure Contributions

Infrastructure requirements to achieve the vision of the PDA will be determined through the development assessment process, conditioned as part of a PDA development approval for development and delivered as part of the building and operational works on the site.

Infrastructure charges will be based on Townsville City Council's infrastructure charges in force at the time of lodgment of the development application or an infrastructure agreement. Infrastructure delivered as part of the development may be offset against the infrastructure charges that would otherwise apply.

State infrastructure funding will be sought under the normal budgetary processes and will be part of an approved State agency capital program.

Schedule 1: Exempt development

Included in the Exempt development category in the relevant zone in the planning scheme.

Development prescribed in Schedule 4 of the *Sustainable Planning Regulation 2009*, other than Table 2, item 2 and Table 5, item 14.

Building work
Minor building and demolition work.
Carrying out building work associated with a material change of use that is PDA exempt or self assessable development.
Carrying out building work associated with an approved material change of use.
Material change of use of premises
Making a material change of use of premises for a Park.
Reconfiguring a lot
Subdivision involving road widening and truncations required as a condition of development approval.
Operational work
Erecting no more than one (1) satellite dish on premises, where the satellite dish has no dimension greater than 1.8 meters.
Filling or excavation where: <ul style="list-style-type: none">• Not within 1.5m of a lot boundary and exceeding a depth of 300mm; or• Not exceeding 100m³ in volume, or• Not exceeding a depth of 1m.
Carrying out operational work that is clearing of vegetation: <ul style="list-style-type: none">• other than Significant vegetation, or• Significant Vegetation where<ul style="list-style-type: none">- the clearing is consistent with an approved Plan of Development- carried out by or on behalf of Townsville City Council, Port of Townsville Limited or a public sector entity, where the works being undertaken are authorised under a state law- in accordance with the conditions of a PDA development approval for a material change of use or reconfiguring a lot.
Plumbing or drainage work
Carrying out plumbing or drainage work.
All aspects of development
Development consistent with an approved Plan of Development (excluding operational works not listed in schedule 1).

Schedule 2: Definitions

For Precinct 1 the planning scheme definitions apply except to the extent they are modified as described in the section 'Relationship with other planning instruments'.

For Precinct 2 refer to the Port land use plan except for terms modified as described in the section 'Relationship with other planning instruments'.

Significant Vegetation: Means all vegetation, except those listed as pest vegetation by State or local government, that is significant in it's:

- ecological value at local, state or national levels;
- contribution to the character of the landscape;
- cultural or historical value; and
- amenity value to the general public.

Note: vegetation may be living or dead and the term includes their root zone.

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