

Decision notice

Integrated Planning Act 1997, section 3.5.15

1. Application details:

Gladstone Regional Council Reference #	DA/94/2009
Land subject of the application	Lot 3 on FD841442 Hummock Highway, Foreshores
Proponent	Eaton Place Pty Ltd c/- Mr Peter Scarf Level 2, 287-289 New South Head Road Edgecliff NSW 2027
Application type	Development application for a Preliminary approval under section 3.1.6 of the <i>Integrated Planning Act 1997</i> for a material change of use to vary the effect of the Miriam Vale Shire Planning Scheme
Description of development	Master planned tourism development with short and long-term residential, commercial and community activities.
Application date	17 December 2009

2. Decision details

Decision	In accordance with section 3.5.14A of the <i>Integrated Planning Act 1997</i> , the Coordinator-General has decided to approve with conditions all of the above application for a Preliminary approval under section 3.1.6 of the <i>Integrated Planning Act 1997</i> for a material change of use to vary the effect of the Miriam Vale Shire Planning Scheme for the Pacificus Tourism Project Plan of Development.
Decision date	2 November 2018

3. Conditions

The conditions applying to this approval are included in Attachment 1. The conditions are considered to be:

- (a) relevant to, but not an unreasonable imposition on, the proposed use of the site; or
- (b) reasonably required by the proposed use of the site.

4. Submissions

In accordance with section 37 of the *State Development and Public Works Organisation Act 1971*, there are 55 submitters. The names and addresses of submitters are included in Attachment 2.

5. Referral agencies

In accordance with section 37 of the *State Development and Public Works Organisation Act 1971*, there are no referral agencies for the development application.

6. Approval despite conflict with the planning scheme

Despite there being what is considered a conflict with the Miriam Vale Shire Planning Scheme 2009, in particular the Rural Locality and Parkland and Open Space Zone and related provisions, it is considered there are sufficient grounds to approve the development application. The sufficient grounds to approve the development despite any conflict with the Miriam Vale Shire Planning Scheme 2009 is to further state interests of Development and Construction and Tourism, as stated in the State Planning Policy July 2017.

7. Variations to the planning scheme

The preliminary approval varies the effect of the Miriam Vale Shire Planning Scheme 2009 in the following ways:

- (a) the conditions of the preliminary approval prevail over any applicable planning scheme code for the development to the extent of any inconsistency.
- (b) by way of applying the assessment levels, assessment criteria and related provisions shown in the approved Pacificus Tourism Project Plan of Development over the site and replacing the existing Rural Locality, Parkland and Open Space Zone, and related provisions.
- (c) by way of removing all planning scheme overlays applicable to the subject land.

8. Other development permits and approvals required

The other development permits necessary to allow the development to be carried out include:

- material change of use
- reconfiguration of a lot
- operational works
- building works
- plumbing and drainage works.

9. Rights of appeal

In accordance with section 76P of the *State Development and Public Works Organisation Act 1971*, this decision may not be appealed.

A handwritten signature in black ink, appearing to read 'Barry Broe', written in a cursive style.

Barry Broe
Coordinator-General