

Ref: 16075
Your Ref: DA/26/2018

18 May 2020

The Chief Executive Officer
Gladstone Regional Council
PO Box 29
GLADSTONE 4680

Dear Sir,

Representations to Decision Notice - Development Application for Material Change of Use for Relocatable Home Park Located at Bryant Street, Agnes Water – Your Reference DA/26/2018

We refer to the Decision Notice Issued by the Gladstone Regional Council dated 6 May 2020.

In accordance with s75 of the *Planning Act 2016* the applicant wishes to make representations to the terms and conditions of the approval as set out in this correspondence. The current appeal period will be suspended in accordance with s75 of the Act.

Condition 2

This condition is not reasonable or relevant and should be deleted. The Planning Act 2016 prescribes the currency period for a development approval and thus the Assessment Manager requirement to complete the first stage within 4 years is not reasonably required.

Pursuant to the *Planning Act 2016* once the initial stage of the development is operational within the prescribed currency period, there is no limitation on the development of the subsequent stages. This is a valid planning outcome given the nuances of the property market and other economic considerations in the ongoing development of a site. The requirement to complete further stages within 2 years of the initial stage is not reasonable or relevant and has no planning outcomes attached to it.

Condition 3

This condition is not reasonable or relevant and should be deleted. The proposed development advocates residential development and as such there is no valid planning grounds to increase the already significant buffer to the southern boundary of the site. Compliance with this condition would not provide any additional buffer values to that advocated on the plan of development and will through design changes reduce the internal amenity of passive landscape area values.

Condition 7

This condition is irrelevant and should be deleted. The development is advocated to be undertaken under the manufactured Homes (Residential Uses) Act 2003 and as such "strata titling" is irrelevant. Regardless, the implementation of a BFP is not assessable development and has no identifiable planning impacts.

Condition 10

This condition should be modified to reflect the outcomes advocated by the proposed development. This condition requires for Operational Works applications to include all works to be constructed. This should not be the case when all the internal infrastructure is to remain in private ownership.

Condition 25

This condition should be modified to reflect the outcomes advocated by the proposed development. The master landscape plan should be required to be submitted at the time of Building Works application, an application that will be referred to the Assessment Manager for assessment from the building certifier.

Condition 26

This condition is not reasonable or relevant and should be deleted or modified. There is no planning basis to suggest the development has any acoustic impacts on the adjoining sites given the residential nature of the use. It may be relevant to provide acoustic buffers to adjoining sites in the locality of the proposed community facilities however the majority of the site in concert with the landscape buffers and vegetation retention will provide a suitable level of buffer to adjoining sites.

Further, the development of site fencing in any manner should accord with development staging. The requirement to develop a fence for the whole site in the first stage should be modified.

Condition 34

This condition is not reasonable or relevant and should be deleted. This condition is not relevant to the development format proposed. Each dwelling has greater than 10 metres separating opposite sides of internal roads and side and rear boundaries provide for screen fencing as is the standard for this form of development.

Yours faithfully,



Ward Veitch
Urban Planet Town Planning Consultants

B/C

Vellemo Lifestyle Pty Ltd