

Gladstone Regional Council

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Please address all correspondence to The Chief Executive Officer

Contact Officer: Rhianne McMullen-Legdin Our Ref: DA/50/2019

27 October 2020

Doug and Dianne Laurie 135 Newtons Road ROSEDALE QLD 4674

Dear Sir/Madam

NEGOTIATED NOTICE OF DECISION PLANNING ACT 2016 S76

DA/50/2019 - MATERIAL CHANGE OF USE - IMPACT TOURIST PARK (14 SITES AND LODGE (12 GUESTS)) 135 NEWTONS ROAD, ROSEDALE QLD 4674 LOT 15 RP 619121

Reference is made to the above Development Application and to your request to make representations in relation to certain matters within Council's Notice of Decision dated 14 July 2020.

I wish to advise that your request was considered by Council at its 20 October 2020 General Meeting where it was resolved to agree to the representations in full as set out in the following Negotiated Notice of Decision. The Negotiated Notice of Decision replaces the Notice of Decision previously issued and dated 14 July 2020.

Should you have any questions or require further clarification in relation to any matters raised in the Decision Notice, please do not hesitate to contact Council's Planning Officer Rhianne McMullen-Legdin on (07) 4970 0700.

Yours faithfully

H A ROBERTSON

MANAGER DEVELOPMENT SERVICES



NEGOTIATED NOTICE OF DECISION - DA/50/2019 PLANNING ACT 2016 S76

Application:	Material Change of Use - Impact - Tourist
	Park (14 Sites and Lodge (12 Guests))
Applicant Name & Address:	Doug and Dianne Laurie
	135 Newtons Road
	ROSEDALE QLD 4674
Owner:	Ms D M Laurie
Subject Land:	135 Newtons Road, ROSEDALE QLD 4674
Location:	Lot 15 RP 619121
Zoning:	Rural Zone
Site Area:	16.08 hectares
Definition of Use:	Premises used to provide for accommodation
	in caravans, self-contained cabins, tents and
	similar structures for the public for short term
	holiday purposes. The use may include,
	where ancillary, a manager's residence and
	office, kiosk, amenity buildings, food and
	drink outlet, or the provision of recreation
	facilities for the use of occupants of the
	tourist park and their visitors, and
	accommodation for staff.
Submissions Received:	One (1) Properly Made Submission
Application Received:	23 October 2019
Planning Scheme:	Our Place Our Plan Gladstone Regional
	Council Planning Scheme, Version 2

You are advised that your application was Approved in Full. The conditions relevant to this approval are attached. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. DETAILS OF THE APPROVAL

	Development Permit	Preliminary Approval
Material change of use made assessable by the planning scheme	✓	

2. NATURE OF CHANGES

The nature of the changes are:

- Condition 1 Amended; and
- Condition 18 Amended.

3. BENCHMARKS APPLIED TO THE DEVELOPMENT

The following is a description of the assessment benchmarks applying to the development:

Benchmarks applying to the development:	Benchmark reference:	
State Planning Policy July 2012	Biodiversity; andNatural Hazards, Risk and Resilience	
Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2	 Strategic Framework; Acid Sulfate Soils Overlay Code; Bushfire Hazard Overlay Code; Coastal Hazard Overlay Code; Scenic Amenities Overlay Code; Rural Zone Code; Development Design Code; and Landscaping Code 	

4. CURRENCY PERIOD FOR THE APPROVAL

The currency periods stated in section 85 of the *Planning Act 2016* apply to each aspect of development in this approval, as outlined below unless otherwise conditioned within this approval:-

✓ material change of use - 6 years

Please note due to the recent amendment to the *Planning Act 2016* and declared Applicable Event by the Minister, a provision has permitted a six-month extension to all active development approvals and compliance permits.

5. APPROVED PLANS

The approved plans and/or documents for this development approval are listed in the following table:

Drawing Number	Revision	Description	Author	Date
PD 2198	3	Site Plan	John Poulsen	22/5/20
			Building Design	
PD 2199	-	Proposed	John Poulsen	21/5/20
		Camp Kitchen	Building Design	
		Floor Plan		
PD 2199	-	Proposed	John Poulsen	21/5/20
		Camp Kitchen	Building Design	
		Elevations		
PD 2200	-	Proposed	John Poulsen	21/5/19
		Toilets No. 2	Building Design	
		Floor Plan		
PD 2200	-	Proposed	John Poulsen	21/5/19
		Toilets No. 2	Building Design	
		Elevations		
PD 2201	-	Proposed	John Poulsen	21/5/19
		Toilets No.3	Building Design	
		Floor Plan		
PD 2201	-	Proposed	John Poulsen	21/5/19
		Toilets No.3	Building Design	

		Elevations		
PD 2202	-	Proposed Toilet No. 4 Floor Plan	John Poulsen Building Design	21/5/19
PD 2202	•	Proposed Toilet No. 4 Elevations	John Poulsen Building Design	21/5/19
PD 2203	1	Proposed Toilet No. 5 Floor Plan	John Poulsen Building Design	21/5/19
PD 2203	-	Proposed Toilet No. 5 Elevations	John Poulsen Building Design	21/5/19
PD 2204		Proposed Toilet No. 6 Floor Plan	John Poulsen Building Design	21/5/19
PD 2204	-	Proposed Toilet No. 6 Elevations	John Poulsen Building Design	21/5/19

6. OTHER NECESSARY DEVELOPMENT PERMITS

Listed below are other development permits that are necessary to allow the development to be carried out:-

- 1. Building Works
- 2. Plumbing & Drainage Works

7. NOTICE OF REASONS

The following provides the Notice of Reasons under section 63(5) of the *Planning Act 2016:*

Description of the development:

The approved development is for a Material Change of Use to Premise for a Tourist Park (45 Guests (14 Sites and Lodge (MAX 12 Guests)) located at 135 Newtons Road, Rosedale.

Assessment Benchmarks:

Benchmarks applying to the development:	Benchmark reference:	
State Planning Policy July 2012	Biodiversity; andNatural Hazards, Risk and Resilience	
Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2	 Strategic Framework; Acid Sulfate Soils Overlay Code; Bushfire Hazard Overlay Code; Coastal Hazard Overlay Code; Scenic Amenities Overlay Code; Rural Zone Code; Development Design Code; and Landscaping Code 	

Reasons for the Assessment Managers Decision:

- 1. The Application was properly made in accordance with the *Planning Act 2016* and the Development Assessment Rules; and
- 2. The Application is generally compliant with the relevant benchmarks of the *State Planning Policy July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2* despite conflicts within the Rural Zone Code.

Reasons for Approval despite any Non-compliance with certain Benchmarks:

Strategic Framework – 3.3 Gateway to the World – Strategic Outcome 3.3.1 (14) Strategic Framework – 3.4 Community Living – Strategic Outcome 3.4.1 (9) Strategic Framework – 3.7 Our environment and heritage – Strategic Element 3.7.2 – Sustainable management of the natural environment and resources Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Outcome 3.8.1 (1) Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Outcome 3.8.1 (1) Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.8.1 (1) Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.8.1 (1) Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.8.1 (1) Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.8.2 – Southern townships and places – Strategic Element 3.8.2 – Southern townships and places – Strategic Element 3.8.2 – Southern townships and place – Strategic Element 3.8.2 – Southern townships and place – Strategic Element 3.8.2 – Southern townships and place – Strategic Element 3.8.2 – Southern townships and place – Strategic Element 3.8.2 – Southern townships and place – Strategic Element 3.8.2 – Southern townships and place – Strategic Element 3.8.2 – Southern townships and place – Strategic Element 3.8.1 (a) Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.8.1 (b) Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.7.2 – Southern townships and places – Strategic Element 3.8.1 (a) Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.7.2 – Southern townships and places – Strategic Element 3.8.1 (b) Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.8.2 – Southern townships and places – Strategic Element 3.8.2 – Southern townships and places – Strategic Element 3.8.1 (b)	Benchmark reference:	Reasons for the approval despite non-
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Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.2	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.2 via a condition
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Relevant Matters under Section 45(5)(b) of the Act that the Development was Assessed Against:

1. The subject site is not constrained by Flood Hazard Overlay under the Planning Scheme. However, updated flood information and data is considered relevant in the assessment of this proposal.

Matters raised in Submissions and Councils response in dealing with these matters:

Submission	Officer's Response
Number of Guests	
How many people can an 18 site tourist park accommodate How many persons can the lodge accommodate What is the total number of "tourists" that would be permitted to be accommodated	Additional material was submitted after the Public Notification Period which now details 45 people onsite. To ensure the development maintains this scale throughout the operation, a condition has been recommended restricting numbers to that effect.
Services	
The provision and testing of potable water	The Applicant has advised a potable on-site water supply network is present at the site. The developer advises that there are 132,000 litres of potable water located in water tanks on site. As per a recommended condition, the Applicant is required to ensure the water supply for drinking is in accordance with <i>Water Supply (Safety and Reliability) Act 2008</i> by undertaking regular testing in accordance with the Act and provide signage to display outlets that are not suitable for drinking.
Refuse collection and Disposal	The Applicant has advised the waste management on site will enable the opportunity to separate the waste into recyclable and general waste. General waste will be taken to the transfer station in Rosedale and Recyclable items will be transported to Gladstone. As per a recommended condition, the Applicant will be required to provide a Waste Management Plan prior to commencement of use.
Recurring Incidents to neighbouring sites	
Campers wandering into adjoining properties Rubbish being thrown across the fence into the bush area on adjoining properties Campers cutting firewood in adjoining properties Campers cutting firewood with a chainsaw near adjoining boundaries late at night (11:00pm) Large groups during long weekends and Easter	As per recommended conditions, the Applicant will be required to ensure noise complies with the <i>Environmental Protection</i> (Noise) Policy 2008 and the Applicant is to delineate the extent of the boundaries to prevent trespassers.

Matters prescribed by a Regulation:

- 1. The State Planning Policy July 2017 Part E;
- 2. The Central Queensland Regional Plan; and
- 3. The Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2.

8. SUBMISSIONS

There were one properly made submissions about the application. The name and address of the principal submitter for each properly made submission are as follows:-

Name of principal submitter	Address
Mr R Brookes	171 Newtons Road ROSEDALE QLD 4674

9. APPEAL RIGHTS

Schedule 1 of the *Planning Act 2016* details your appeal rights and the appeal rights of any submitters regarding this decision.

10. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:-

• From the time the Notice of Decision is given, if there is no submitter and the applicant does not appeal the decision to the court.

OR

- If there is a submitter and the applicant does not appeal the decision, the earlier date of either:
 - When the submitter's appeal ends; or
 - o The day the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision.

OR

 Subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

This approval will lapse if:-

- for a material change of use, the first change of use under the approval does not start within the relevant period stated in section 3 of this Notice of Decision;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 3 of this Notice of Decision;
- for a development approval other than a material change of use or reconfiguration, the development does not substantially start within the relevant period stated in section 3 of this Notice of Decision.

Should you wish to discuss this matter further, please contact Council's Planning Officer Rhianne McMullen-Legdin on (07) 4970 0700.

Yours faithfully

H A ROBERTSON

MANAGER DEVELOPMENT SERVICES

Attached: Conditions

Appeal Rights
Approved Plans



ASSESSMENT MANAGER CONDITIONS - DA/50/2019

Approved Documentation

 Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:

Drawing Number	Revision	Description	Author	Date
PD 2198	3	Site Plan	John Poulsen Building Design	22/5/20
PD 2199	-	Proposed Camp Kitchen Floor Plan	John Poulsen Building Design	21/5/20
PD 2199	-	Proposed Camp Kitchen Elevations	John Poulsen Building Design	21/5/20
PD 2200	-	Proposed Toilets No. 2 Floor Plan	John Poulsen Building Design	21/5/19
PD 2200	-	Proposed Toilets No. 2 Elevations	John Poulsen Building Design	21/5/19
PD 2201	-	Proposed Toilets No.3 Floor Plan	John Poulsen Building Design	21/5/19
PD 2201	-	Proposed Toilets No.3 Elevations	John Poulsen Building Design	21/5/19
PD 2202	-	Proposed Toilet No. 4 Floor Plan	John Poulsen Building Design	21/5/19
PD 2202	-	Proposed Toilet No. 4 Elevations	John Poulsen Building Design	21/5/19
PD 2203	-	Proposed Toilet No. 5 Floor Plan	John Poulsen Building Design	21/5/19
PD 2203	-	Proposed Toilet No. 5 Elevations	John Poulsen Building Design	21/5/19
PD 2204		Proposed Toilet No. 6 Floor Plan		21/5/19
PD 2204	-	Proposed Toilet No. 6 Elevations	John Poulsen Building Design	21/5/19

Special Conditions

- 2. At all times, the total number of guests must not exceed 45 people on site during the operation of the 14 Camp Sites and Lodge (12 guests).
- 3. The Operation of the Tourist Park shall be monitored by the onsite Manager with respect to the number of a guests and compliance with conditions of this approval.
- 4. At all times, open campfires are prohibited unless a permit from Rural Fire Services has been obtained.
- 5. Boundaries are to be clearly delineated for Campers to mitigate trespassing on adjoining properties. Camping is to remain within the approved Camping Areas 1 and 2 and outside of the Esplanade reserve.
- 6. Prior to the commencement of the use, the Applicant must submit an Emergency Response and Evacuation Plan to Council for approval. The Plan is to:
 - a. Be prepared by a suitably qualified person;
 - b. Be provided for the whole of the site;
 - c. Provide an evacuation and emergency plan in the event of a bushfire or flood event;
 - d. Be implemented by the Applicant for the life of the approval.

Bushfire Event

- i. Identify of the location and severity of all bushfire risks including vegetation, topography and bushfire history;
- ii. Identify fire risk reduction features including fire-fighting facilities to be installed and their ongoing maintenance schedule; and
- iii. Demonstrate that the site will be adequately serviced with onsite firefighting equipment.

Flood and Cyclone Event

- i. Identify an alternative evacuation route in order to achieve an acceptable level of flood risk;
- Identify any influence including storm tide which alters the behaviour of flood hazard; and
- iii. Identify of the location and severity of all flood risks including creeks, waterways and floodplains.
- 7. As part of any Development Application for Building Works, the Applicant is to construct all internal roads with a minimum width of 6m and a minimum formed width of 4m and with a maximum grade of 12.5%.
- 8. As part of Building Works, a cleared fire break is to be provided at a minimum of 10m of the immediate development footprint.
- 9. Prior to the commencement of the use, a water tank of a minimum size of 50,000 litres is to be constructed prior to the commencement of the use for the purpose of on-site potable water.
- 10. At all times, an adequate supply of water must be provided and maintained for the purposes of drinking, cooking and personal hygiene. The water supply for drinking

purposes must be potable water in accordance with the Water Supply (Safety and Reliability) Act 2008.

Advisory Note: If water obtained from a particular water outlet in the campground is not suitable for drinking, a sign must be permanently displayed at the outlet stating that it is "Unsuitable for Drinking".

- 11. As part of Building Works, the Applicant is to provide an easily accessible concrete water storage tank or in-ground swimming pool or dam. The water storage infrastructure is:
 - a) To be constructed with fire brigade fittings;
 - b) To have a minimum capacity of 5,000 litres;
 - c) To be located within 100m of the immediate development footprint;
 - d) To be located outside of the Coastal Hazard Overlay; and
 - e) To be readily identifiable with clear signage.

Building, Plumbing and Drainage Works

- 12. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Planning Act 2016*. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
- 13. The Applicant is required to obtain a Development Permit and Building Final for Building Works to reclassify the current Dwelling House to a Class 1b prior to the commencement of use.
 - Advisory Note: A final inspection is required prior to the commencement of operation.
- 14. The Applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final in accordance with the *Planning Act 2016*. Construction is to comply with the *Plumbing and Drainage Act 2018* and the requirements of other relevant authorities.
- 15. Details of the proposed colour scheme, materials and finishes for all external areas of the new structures are to be submitted to Council for approval prior to the issue of a Development Permit for Building Works.
- 16. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting.
- 17. Prior to the commencement of the use, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting.

Environmental and Health

- 18. Provide and maintain adequate toilet and showering facilities as per the Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011 as follows:
 - a. at least 4 uni-sex showers (in separate cubicles) for every 14 individual camp sites (within the camping ground);
 - b. at least 2 handbasins; and

- c. for water closets for every 14 individual camp sites (within the camping group)
 - i. 6 uni-sex water closet pedestals; and
 - ii. 0.9 metres of urinal stall.

The following toilet and shower facilities are to be fixed and constructed in accordance with the Plumbing and Drainage Act 2018 and obtain Building Approval under the Building Act 1975.

Sewerage Infrastructure

- 19. As part of any Development Application for Plumbing and Drainage Works, any on-site effluent disposal systems are to be designed to withstand inundation during a Flood Event.
- 20. Prior to the commencement of the use, the Applicant must construct a suitably sized on-site sewerage treatment system, designed by a suitably qualified professional to cater for the development.

Transportation Services

- 21. Prior to the commencement of use, the Applicant is to construct all internal driveways with a minimum cleared width of 6m and a minimum formed width of 4m and with a maximum grade of 12.5%.
- 22. Prior to the commencement of the use, a 7m wide Rural Road Access driveway is to be constructed in accordance with Council's Standard Drawing Rural Roads Access.
 - Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines Drawings and Specifications at http://www.cmdg.com.au/index.htm.
- 23. Prior to the construction of any works within Councils road reserve, the Applicant shall obtain a Works on a Council Road Approval in conformity with Council's Subordinate Local Law No. 1.15.

Advisory Note: Council's Local Law No. 1.15 – Application to Construct (and maintain) a Driveway (vehicle crossover) is found at http://www.gladstone.gld.gov.au/forms

Waste Management

- 24. As part of any Development Application for Building Works, a Waste Management Plan is to be submitted and approved by Council. The Waste Management Plan is to be in accordance with the Waste Management Planning Scheme Policy of the Our Place Our Plan Gladstone Regional Council Planning Scheme.
- 25. Prior to the commencement of the use, refuse bins are to be provided in accordance with Table SC6.7.3.2 of Schedule 6.7 Waste Management at a rate of one 240L waste storage bin and one 240L recycling bin per 4 campsites.
- 26. Prior to the commencement of the use, open storage areas shall be adequately screened so as not to detract from the visual amenity of the area. One way of achieving compliance with this condition is as follows:

- Outdoor storage areas are situated in locations not visible from the street;
 and
- b. A 1.8m solid screen fence is located around storage areas.

Miscellaneous

- 27. Prior to the commencement of the use, the Applicant must submit a Property Pest Management Plan for approval by Council. The Plan is to detail what restricted matter under the *Biosecurity Act 2014* (Qld) the Plan relates to; the location of restricted matter on the site; and what actions will be undertaken to manage the restricted matter before, during and after the development activity. The Plan must be drafted by a suitably qualified person who has a minimum of five years of experience in invasive species management. Upon approval of the Pest Management Plan, the Applicant must undertake all recommended actions.
 - Advisory Note: Council's Regulatory Services Division (Pest Management Section) can provide support in the development of this Property Pest Management Plan which are contactable on (07) 4970 0700.
- 28. At all times, the development must achieve the noise generation levels set out in the Environmental Protection (Noise) Policy 2008. That is the development must prevent or minimise the generation of any noise or vibration such that nuisance is not caused to other nearby sensitive land uses.

Lawful Commencement

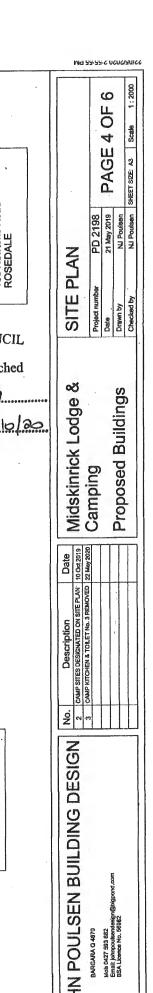
- 29. Prior to the commencement of this use, the Applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
- 30. Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the Applicant is to notify Council within 20 business days that this approved use has lawfully commenced.

END OF CONDITIONS

Advice to Applicant:

An Adopted Infrastructure Charge Notice in relation to the infrastructure charges applicable to this development has been provided separately.

If any proposed Advertising Devices are to be included onsite, please note the Gladstone Regional Council *Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011* or Planning Scheme - Advertising Devices Code may be applicable.



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