



Contact Officer: Rhianne McMullen
Our Ref: DA/29/2019

11 November 2019

Mrs K M Dupuy-Bowden and Mr K D Bowden
C/- Zone Planning Group
PO Box 5332
GLADSTONE QLD 4680

Email: rschuler@zoneplanning.com.au

Dear Sir,

**NEGOTIATED NOTICE OF DECISION
PLANNING ACT 2016 S76**

**DA/29/2019 - MATERIAL CHANGE OF USE - CODE
NATURE BASED TOURISM (15 SITES)
1086 COAST ROAD, BAFFLE CREEK QLD 4674
LOT 2 RP 617484**

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 22 August 2019.

I wish to advise that your request was assessed under Delegated Authority on 8 November 2019 where it was decided 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 22 August 2019.

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 on (07) 4970 0700.

Yours faithfully

**H A ROBERTSON
MANAGER DEVELOPMENT SERVICES**



NEGOTIATED NOTICE OF DECISION - DA/29/2019
PLANNING ACT 2016 S76

Application:	Material Change of Use - Code - Nature Based Tourism (3 Sites)
Applicant Name & Address:	Mrs K M Dupuy-Bowden and Mr K D Bowden C/- Zone Planning Group PO Box 5332 GLADSTONE QLD 4680
Owner:	Mr K D Bowden and Mrs K M Dupuy-Bowden
Subject Land:	1086 Coast Road, BAFFLE CREEK QLD 4674
Location:	Lot 2 RP 617484
Zoning:	Rural Zone
Site Area:	45.36 Ha
Definition of Use:	<i>The use of land or premises for a tourism activity, including tourist and visitor short-term accommodation, that is intended for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment.</i> <i>Nature-based tourism activities typically:</i> <i>maintain a nature based focus or product</i> <i>promote environmental awareness, education and conservation</i> <i>carry out sustainable practices.</i>
Submissions Received:	N/A
Application Received:	27 June 2019
Planning Scheme:	Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2

You are advised that your application was Approved Negotiated. 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
- Condition 9 – Amended
- Advice to Applicant - 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 2017	• Assessment Benchmarks – Natural Hazards, Risk and Resilience
Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2	• Acid Sulphate Soils Overlay Code; • Biodiversity Overlay Code; • Bushfire Hazard Overlay Code; • Coastal Hazard Overlay Code; • Scenic Amenity Overlay Code; • Steep Land 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

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
-	-	Site Plan – Complete	John Poulsen Building Design	15 April 2019
-	-	Site Plan – Detail 'A'	John Poulsen Building Design	15 April 2019
-	-	Site Plan – Detail 'B'	John Poulsen Building Design	15 April 2019
EWD2256		Sewer Design Concept	Enviro Water Design	23/09/2019

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 for a Nature Based Tourism (15 Sites) on land at 1086 Coast Road, Baffle Creek.

Assessment Benchmarks:

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<i>Biodiversity Overlay Code Table 8.2.3.3.1 – Acceptable Outcome 2</i>	<i>Compliance with Biodiversity Overlay Code – Performance Outcome 2.</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 1.2</i>	<i>Compliance via Condition.</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 2.2</i>	<i>Compliance via Condition.</i>
<i>Development Design Code Table 9.3.2.3.1 – Performance Outcome 5</i>	<i>Compliance with Development Design Code – Performance Outcome 5.</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 9</i>	<i>Compliance with Development Design Code – Performance Outcome 9.</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 11.1</i>	<i>Compliance with Development Design Code – Performance Outcome 11.</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 15</i>	<i>Compliance via Condition</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 16</i>	<i>Compliance via Condition</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 18</i>	<i>Compliance via Condition</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 21</i>	<i>Compliance via Condition</i>

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 deemed 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*.

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

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<i>Biodiversity Overlay Code Table 8.2.3.3.1 – Acceptable Outcome 2</i>	<i>Compliance with Biodiversity Overlay Code – Performance Outcome 2.</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 1.2</i>	<i>Compliance via Condition.</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 2.2</i>	<i>Compliance via Condition.</i>
<i>Development Design Code Table 9.3.2.3.1 – Performance Outcome 5</i>	<i>Compliance with Development Design Code – Performance Outcome 5.</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 9</i>	<i>Compliance with Development Design Code – Performance Outcome 9.</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 11.1</i>	<i>Compliance with Development Design Code – Performance Outcome 11.</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 15</i>	<i>Compliance via Condition</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 16</i>	<i>Compliance via Condition</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 18</i>	<i>Compliance via Condition</i>
<i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 21</i>	<i>Compliance via Condition</i>

Relevant Matters under Section 45(5)(b) of the Act that the Development was Assessed Against:

N/A

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

Matters raised in Submission(s)	How the matters were dealt with
N/A	N/A

Matters prescribed by a Regulation:

N/A

8. APPEAL RIGHTS

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

9. 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
 - The day the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision.

OR

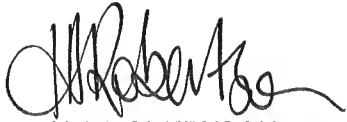
- Subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

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 on (07) 4970 0700.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H A Robertson', with a stylized flourish at the end.

**H A ROBERTSON
MANAGER DEVELOPMENT SERVICES**

**Attached: Conditions
 Appeal Rights
 Approved Plans**



ASSESSMENT MANAGER CONDITIONS - DA/29/2019

Approved Documentation

1. 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
-	-	Site Plan – Complete	John Poulsen Building Design	15 April 2019
-	-	Site Plan – Detail 'A'	John Poulsen Building Design	15 April 2019
-	-	Site Plan – Detail 'B'	John Poulsen Building Design	15 April 2019
EWD2256		Sewer Design Concept	Enviro Water Design	23/09/2019

Special Conditions

2. At all times, the total number of camping sites must not exceed 15.
3. 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 minimize the generation of any noise or vibration such that nuisance is not caused to other nearby sensitive land uses.

Building, Plumbing and Drainage Works

4. 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.
5. 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 2002* and the requirements of other relevant authorities.
6. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.
7. 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 to adversely affect the residential uses on this site and the adjoining the sites.

8. Prior to the commencement of the use, the Applicant is required to obtain a Development Permit for Plumbing and Drainage Final for the proposed Dump-Ezy point in accordance with the *Planning Act 2016*. Construction is to comply with the *Plumbing and Drainage Act 2002* and the requirements of other relevant authorities.

Environmental and Health

9. The current *Subordinate Local Law No. 1. 6 (Operation of Camping Grounds) 2011* requires that to obtain an approval under that Subordinate Local Law a camping ground is to 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 2 showers (in separate cubicles) for each sex, for every 15 individual camp sites (within the camping ground);
- b. At least 1 handbasin for every 4 shower cubicle for each sex; and
- c. For water closets – for every 12 individual camp sites (within the camping ground) –
 - i. For males – at least 2 water closet pedestals and 0.9 metres of urinal stall; and
 - ii. For females – at least 4 water closet pedestals.

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;

- *Unisex 2 showers (in separate cubicles); and*
- *Unisex 4 water closets and 4 handbasins*

Water Infrastructure

10. Prior to the commencement of the use, a water tank is to be constructed adjacent to the proposed camp sites for the purpose of on-site potable water.

Transportation Services

11. Prior to the commencement of the use, a total of 17 car parking spaces are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. All vehicle movement areas are to be constructed and maintained in accordance with the Engineering Design Planning Scheme Policy under the Our Place Our Plan Gladstone Regional Council Planning Scheme and AS2890.1.
12. Prior to the commencement of the use, a Rural Road Access 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>.

13. Prior to the construction of any works within Council's 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.qld.gov.au/forms>.

Waste Management

14. 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 (1) 240L General Refuse Bin and one (1) 240L Recyclable Refuse Bin, at a minimum.
15. Prior to the commencement of the use, the waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted in close proximity to the enclosure to ensure the area can be easily and effectively cleaned.
16. 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:
 - a. 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.

Lawful Commencement

17. 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.
18. *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:

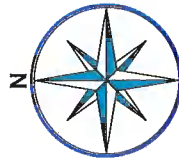
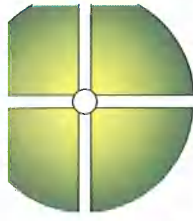
An Adopted Infrastructure Charge Notice in relation to the infrastructure charges applicable to this development has been provided separately. Council's Infrastructure Charges Incentive Policy may be applicable to this development. Please see the full Policy on Council's website.

The Applicant must meet the minimum standards outlined in the Gladstone Regional Council Subordinate Local Law No. 1.6 (*Operation of Camping Grounds*) 2011, the Owner/Operator at all times or will be required to obtain a "Licence to Operate a Campground" to operate legally.

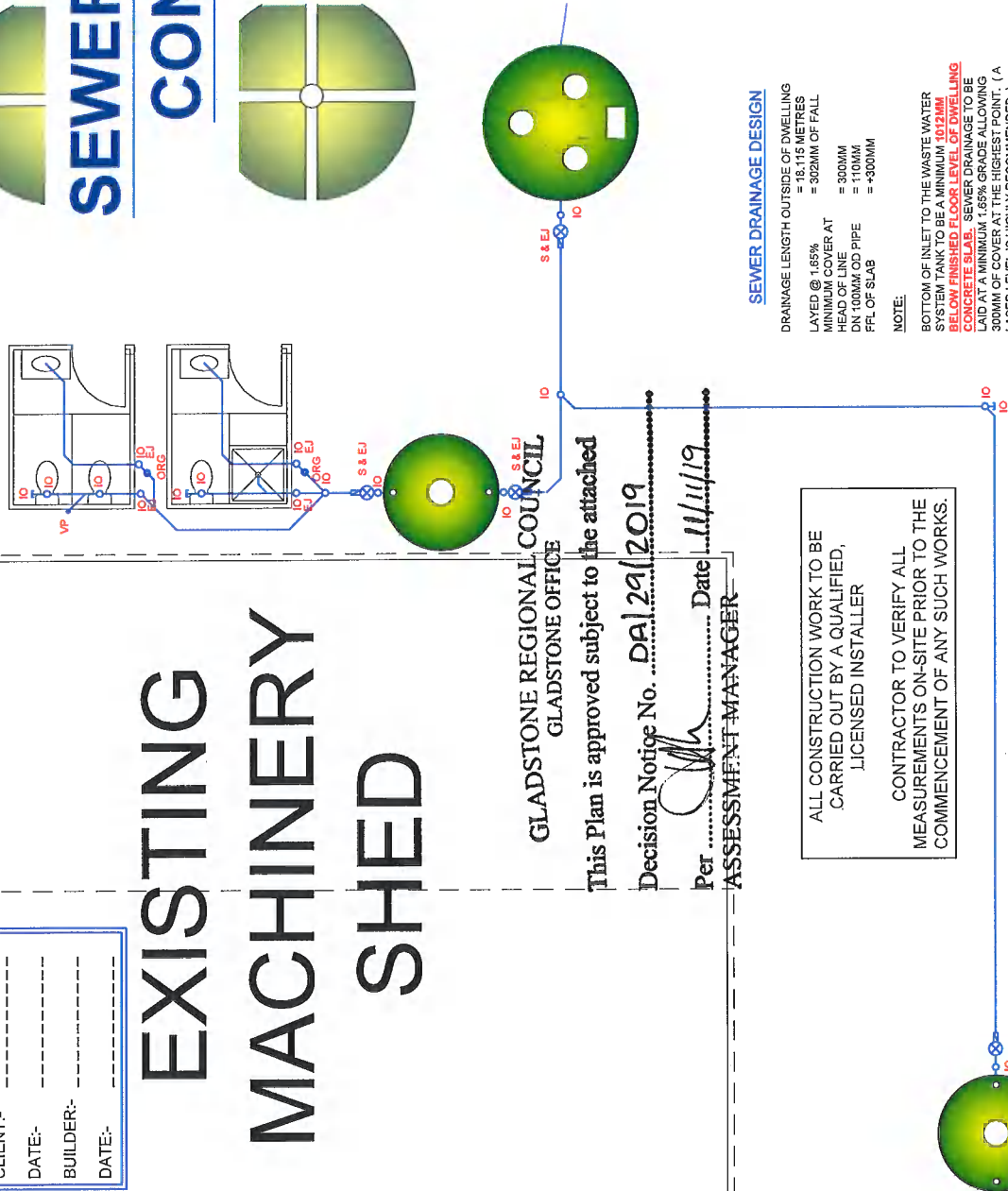
The Applicant must obtain Building and Plumbing approval for all structures associated with the Nature based Tourism.

EXISTING MACHINERY SHED

SEWER DESIGN CONCEPT



*****SITE SOIL PROFILE CLASSIFICATION -'M'*****



SEWER DRAINAGE DESIGN

DRAINAGE LENGTH OUTSIDE OF DWELLING
= 18.175 METRES
= 302MM OF FALL

LAYED @ 1.65%
MINIMUM COVER AT
HEAD OF LINE
DN 100MM OD PIPE
FLL OF SLAB

= 300MM
= 110MM
= +300MM

NOTE:

BOTTOM OF INLET TO THE WASTE WATER SYSTEM TANK TO BE A MINIMUM **1012MM BELOW FINISHED FLOOR LEVEL OF DWELLING CONCRETE SLAB**. SEWER DRAINAGE TO BE LAID AT A MINIMUM 1.65% GRADE ALLOWING 300MM OF COVER AT THE HIGHEST POINT. LASER LEVEL IS HIGHLY RECOMMENDED. SEWER DRAINAGE IS A CONCEPT ONLY AND WILL BE AS CONSTRUCTED ON-SITE AS PER LOCAL AUTHORITY REQUIREMENTS.

ALL CONSTRUCTION WORK TO BE
CARRIED OUT BY A QUALIFIED,
LICENSED INSTALLER

CONTRACTOR TO VERIFY ALL MEASUREMENTS ON-SITE PRIOR TO COMMENCEMENT OF ANY SUCH WORK.

Enviro
Water Design

www.envirowaterdesign.com.au
M: 0427 287 600
E: info@envirowaterdesign.com.au - A: PO Box 188, Maleny Qld 4552
OSCC 1162929 ABN 82 783 166 233

PROJECT: **PROPOSED CAMP GROUNDS**

CLIENT: KENTON BOWDEN

REAL PROPERTY DESCRIPTION:

LOT 2 ON RP617484
1086 COAST ROAD
BAFFLE CREEK

DESIGNED:	DESIGNED:	Q8CC
M. ALLWOOD	C. JONES	

SCALE:	DATE:	JOB NO.
1:100	23/09/2019	E

THESE DESIGNS ARE COPYRIGHT AND ARE NOT TO BE USED
OR REPRODUCED WHOLLY OR IN PART WITHOUT THE WRITTEN
CONSENT OF 'ENVIRO WATER DESIGN'

SHEET SIZE: **A3**

CODE	LEGEND
	DETAILS
	COASTAL REVEGETATION
	REVEGETATION
	MIDDEN
	WETLAND PLANTING
	AIR STRIP
	FIRE BREAK
	EVACUATION AREA
	PROPOSED AREA FOR CAMPING
	CAMP SITE
	CAMP TOILET
	DUMP SITE (HOLDING TANK)
	ROADWAYS - GRAVEL
	WALKING TRACKS
	EXISTING DAM

GLADSTONE REGIONAL COUNCIL
GLADSTONE OFFICE

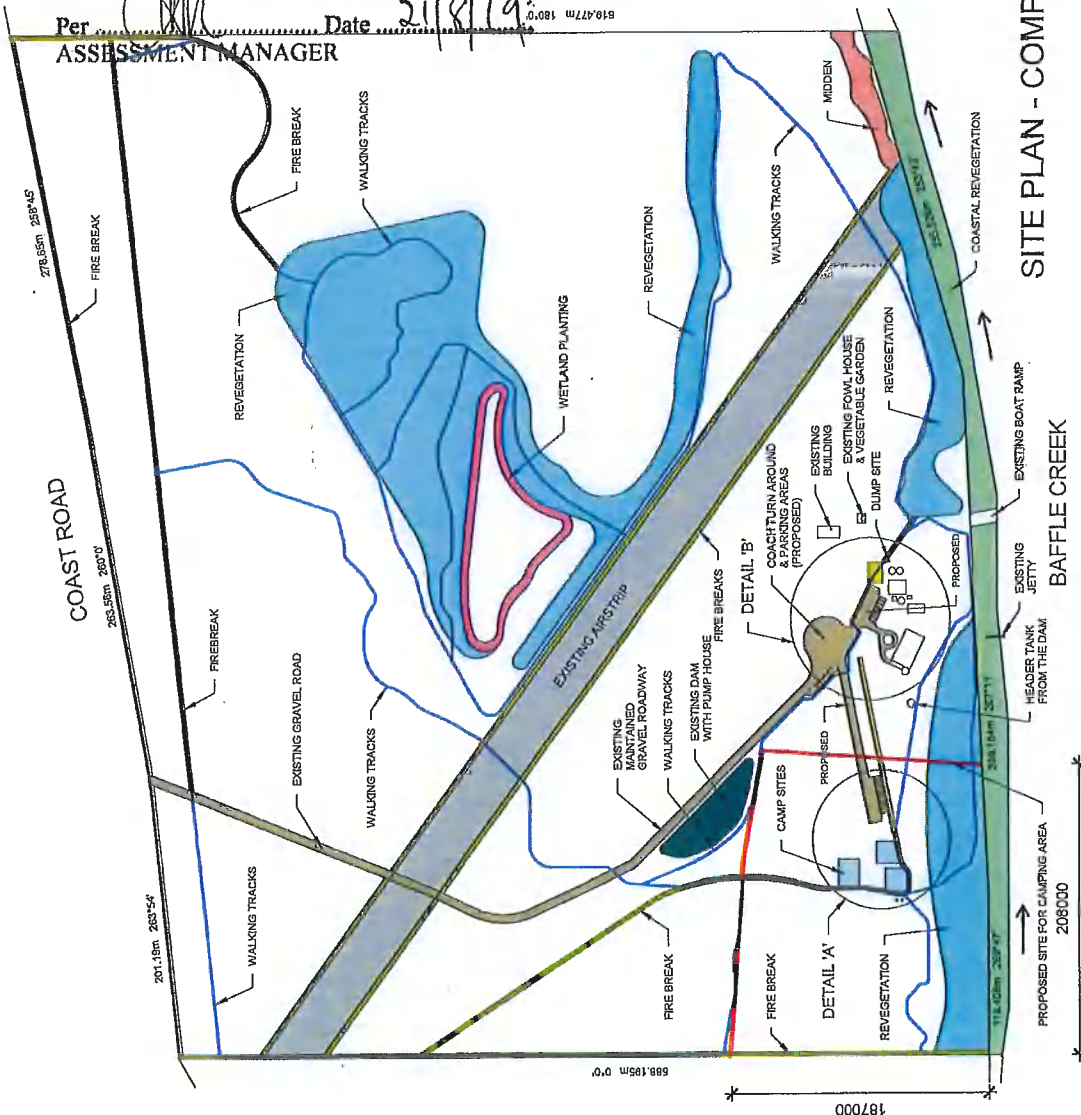
This Plan is approved subject to the attached

Decision Notice No. DA/29/2019

Per [Signature] Date 21/8/19
ASSESSMENT MANAGER



PROPERTY DESCRIPTION
LOT 2
RP 17484
AREA - 45.36 ha
PARISH - BAFFLE
COUNTY - FLINDERS
1086 Coast Road
BAFFLE CREEK



SITE PLAN - COMPLETE

BAFFLE CREEK
RETREAT

Proposed Nature Based
Tourism Site

No.	Description	Date

JOHN POULSEN BUILDING DESIGN

PO Box 2885
BUNDABERG Q 4670
Mob 0427 593 692
Email johnpoulsendesign@bigpond.com
BSA Licence No. 56982

SITE PLAN - COMPLETE

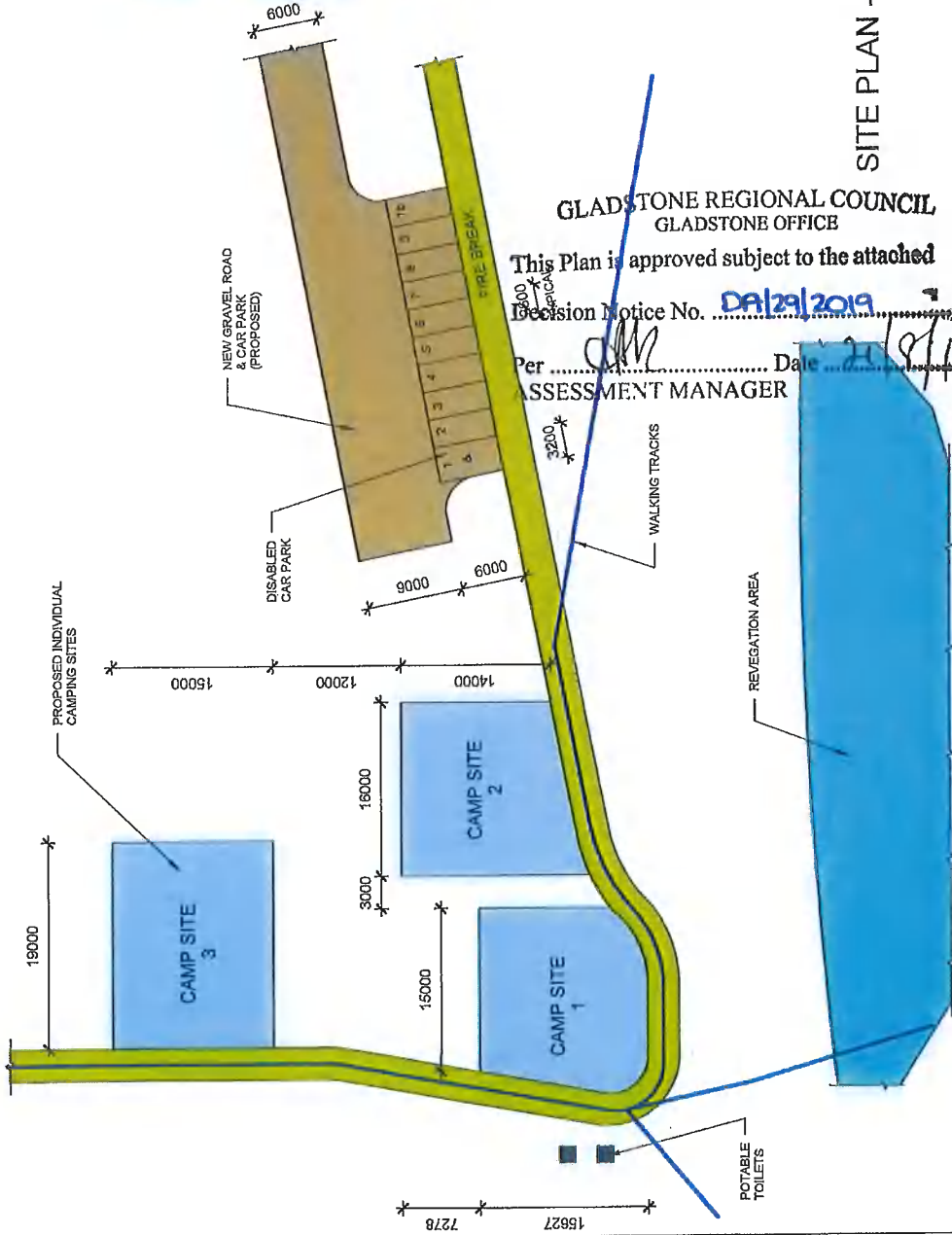
Project number	PD 2194
Date	15 Apr 2019
Drawn by	NJ Poulsen
Checked by	NJ Poulsen
SHEET SIZE	A3
Scale	1 : 3200

PAGE 4 OF 7

LEGEND	
CODE	DETAILS
	REVEGETATION
	FIRE BREAK
	CAMP SITE (INDIVIDUAL)
	CAMP TOILET
	ROADWAYS - GRAVEL
	WALKING TRACKS



SITE PLAN - DETAIL 'A'



GLADSTONE REGIONAL COUNCIL
GLADSTONE OFFICE

This Plan is approved subject to the attached

Decision Notice No. **DA/29/2019**

Per **CM** Date **21/8/18**

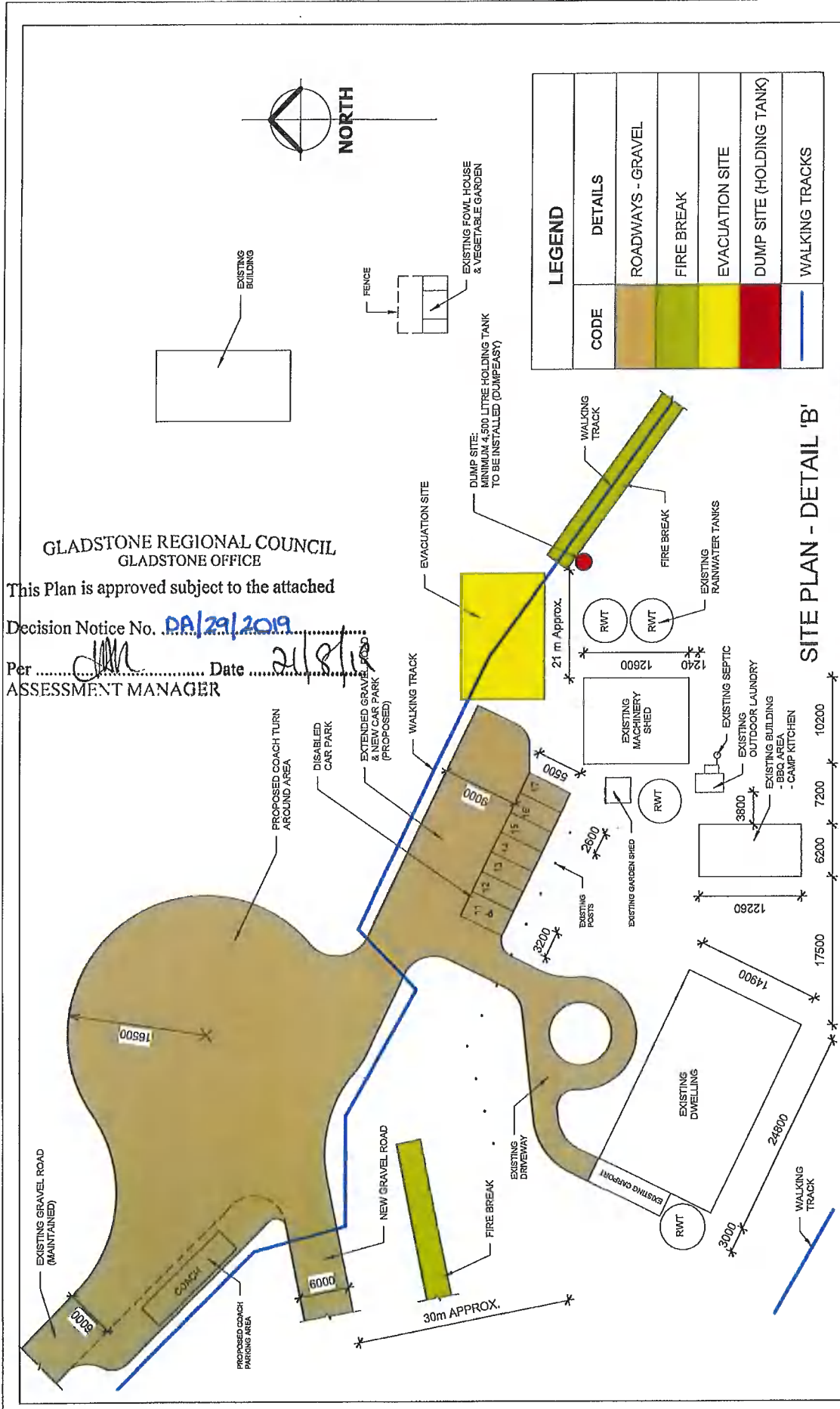
ASSESSMENT MANAGER

SITE PLAN - DETAIL 'A'			
Project number	PD 2194	PAGE 5 OF 7	
Date	15 Apr 2018		
Drawn by	NJ Poulsen		
Checked by	NJ Poulsen		
		SHEET SIZE: A3	Scale 1:400

BAFFLE CREEK
RETREAT
Proposed Nature Based
Tourism Site

No.	Description	Date

JOHN POULSEN BUILDING DESIGN
PO Box 2985
BUNDABERG Q 4670
Mob 0427 593 892
Email j.poulsen@jigpond.com
SSA Licence No. 58962



GLADSTONE REGIONAL COUNCIL
GLADSTONE OFFICE

This Plan is approved subject to the attached
Decision Notice No. DA/29/2019

Per [Signature] Date 21/8/19
ASSESSMENT MANAGER

SITE PLAN - DETAIL 'B'

JOHN POULSEN BUILDING DESIGN

PO Box 2885
BUNDABERG Q 4670
Mob 0427 593 692
Email: jhpoulsendesign@bigpond.com
BSA Licence No. 55852

No.	Description	Date

BAFFLE CREEK RETREAT

Proposed Nature Based Tourism Site

SITE PLAN - DETAIL 'B'

Project number: PD 2194
Date: 15 Apr 2019
Drawn by: NU Poulsen
Checked by: NU Poulsen
SHEET SIZE: A3
Scale: 1:400

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