

Responsible Officer: General Manager Customer Experience

Committee Meeting Date: 4 February 2020

File Ref: FM7.2; DA/29/2019

Purpose:

The purpose of this report is to allow Council to consider a request to apply the Infrastructure Charges Rebate Scheme (P-2019-28) to a Nature Based Tourism approval located at 1086 Coast Road, Baffle Creek (DA/29/2019).

Officer's Recommendation:

{recommendation-start}

The request for a reduction in the Infrastructure Charges for DA/29/2019 – Nature Based Tourism use at Lot 2 RP617484 under the scheme P-2019-28 is refused as the application does not meet the required criteria listed in point 1 and point 3 of section “6.1 Application of Policy”.

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Background:

Development Application for a Material Change of Use of Premises for a Nature Based Tourism (3 Sites) on land at 1086 Coast Road, Baffle Creek (Lot 2 RP617484), was received on 26 June 2019, considered Properly Made on 27 June 2019 and a Confirmation Notice issued on 2 July 2019. Figure One illustrates the location of the Nature Based Tourism.

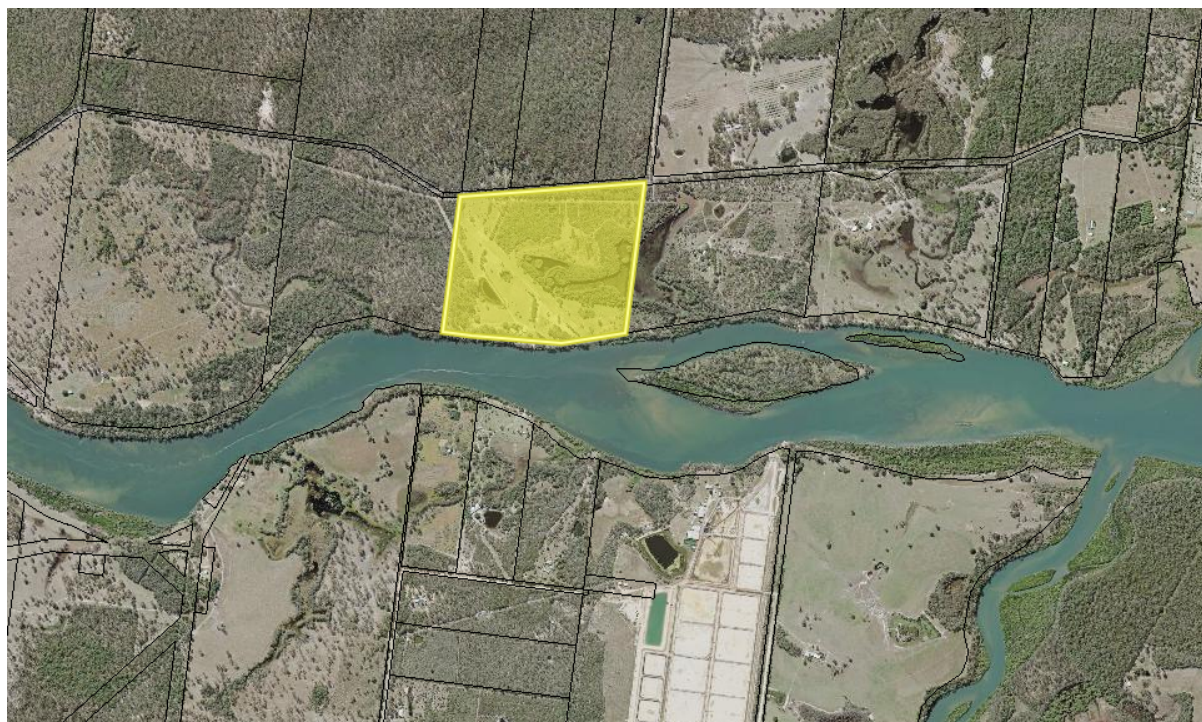


Figure One - Aerial View of Subject Site

After assessment of the proposal against the *Our Place Our Plan Gladstone Regional Planning Scheme, Version 2* (the Planning Scheme), a Development Permit was issued under Delegated Authority on 21 August 2019. After receipt of the Development Permit, the Applicant Suspended the Appeal Period on 17 September 2019. The Applicant lodged representations against Condition 9 on 16 October 2019. Condition 9 addressed the requirements of adequate toilet and showering facilities in accordance with the current *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011*. The request was approved with the amendment to Condition 9, and the Negotiated Decision Notice was issued 11 November 2019.

An image of the approved site plan is shown in Figure Two.

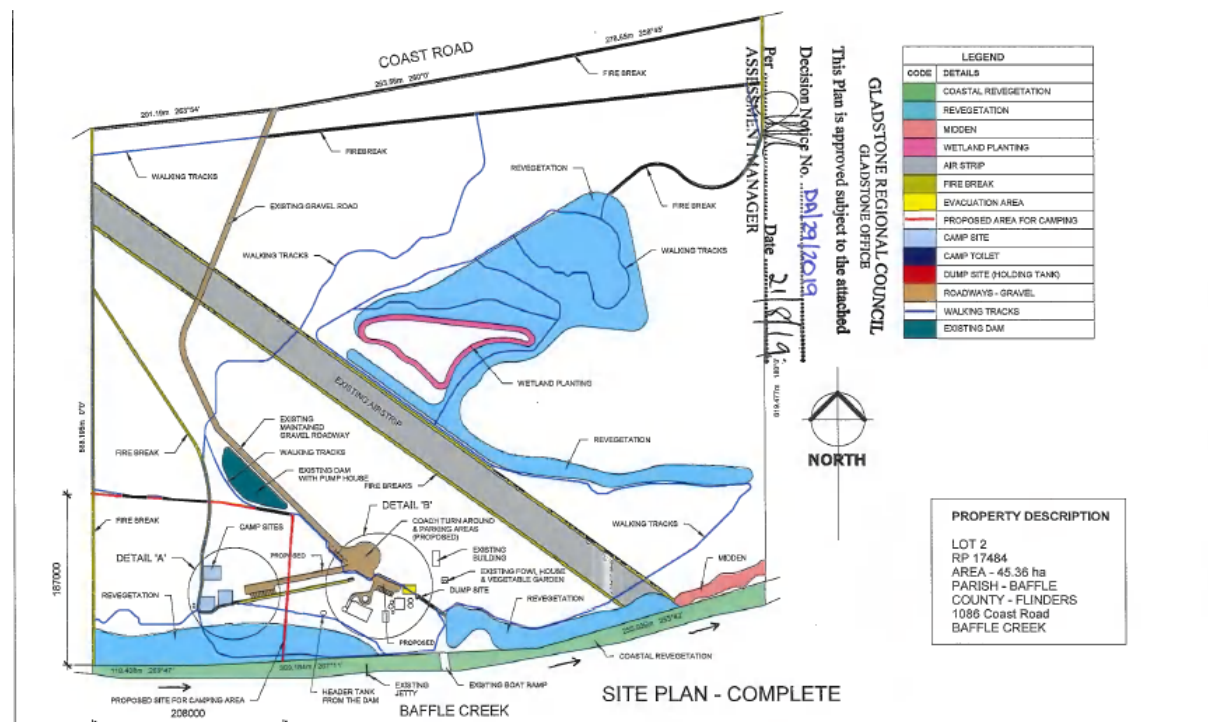


Figure Two – Approved Site Plan

An Adopted Infrastructure Charge Notice was issued on 22 August 2019 for the amount of \$26,700.00.

On 9 December 2019, Zone Planning Group (on behalf of Mr Kenton Bowden and Mrs Kathryn Dupuy-Bowden) lodged written representations against the Adopted Infrastructure Charges Notice issued on 22 August 2019. The Applicant requested that a 50% reduction be applied which would result in a total infrastructure charge of \$13,350.00. The Applicant requested the reduction of the Infrastructure Charges for the following reason;

"It is actually a land use which promotes the area through providing an opportunity for tourists to visit a relatively unique part of our region. Our clients are not typical of some in the development sector, in that success with this venture will lead to moving onto other projects. They are motivated by a desire to share the environmental improvements that have undertaken on their property and at the same time bring some economic growth to the Baffle Creek area but are concerned the rising costs of doing so may hinder their plans."

Consideration:

It should be also noted that to maintain eligibility for a rebate under this Scheme, developments must:

1. *Be completed within two years from when the Material Change of Use of Premises Development Permit starts to have effect; or*
2. *If staged, the first stage be completed within two years of when the Material Change of Use of Premises Development Permit starts to have effect with all stages of the development being completed within four years of when the Material Change of Use of Premises Development Permit starts to have effect; and*
3. *Should these Rebate Conditions not be met then no reduction in the Levied Charges shall be applicable and the balance of the Levied Charges then outstanding shall be immediately due and payable.*

The Applicant has not yet submitted any Building and Plumbing applications or Licence to Operate a Campground which are as part of the approval (DA/29/2019). In order to maintain eligibility, the Applicant must obtain Building and Plumbing approvals, Licence to Operate a Campground and comply with all conditions outlined in the Development Permit prior to commencement of use. Currently, the Applicant has continued the use throughout the assessment process with a number of development conditions and Building and Plumbing Approvals outstanding.

Infrastructure Charges Rebate Scheme (P-2019-28) applies to Development Applications for making a Material Change of Use of Premises which meet the following prerequisites:

1. *Are lodged with Council after the 1 July 2018; with respect to applications lodged prior to the 1 July 2018, Council may in its sole discretion, consider Development Applications approved and not yet constructed, or Development Applications that have been lodged but not yet decided, and*
2. *Are for any land uses as defined within SC1.1 Use definitions of the Our Place Our Plan Gladstone Regional Council Planning Scheme V2 other than an Excluded Use as defined herein; and*
3. *Are proposed to be located within a Priority Infrastructure Area or Township Zone as defined in the Our Place Our Plan Gladstone Regional Council Planning Scheme V2.*

The subject request has been considered against these criteria below.

Prerequisites 1: Date of Lodgement

A Development Application for a Material Change of Use of Premises for a Nature Based Tourism (3 Sites) on land at 1086 Coast Road, Baffle Creek (Lot 2 RP617484) was received on 26 June 2019 and considered Properly Made 27 June 2019. The Application has been approved and has commenced construction.

Structures (i.e cabin, amenities block) and camping grounds have been constructed on site and the use has illegally commenced prior to the lodging of the request for the reduction in Adopted Infrastructure Charges. Therefore, it does not meet the first requirement to qualify for the Infrastructure Charges Rebate Scheme (P-2019-28).

Prerequisites 2: Land Use defined under the Planning Scheme

Under the Planning Scheme, a Nature Based Tourism Use is defined as *“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.

Nature-based tourism activities typically:

- *maintain a nature based focus or product*
- *promote environmental awareness, education and conservation*
- *carry out sustainable practices.”*

The proposed development is considered consistent with this use definition. Nature Based Tourism is not considered an Excluded Use under the Rebate Scheme P-2019-28. Subsequently, the request is considered consistent with the second prerequisite of this policy.

Prerequisite 3: Located within a Priority Infrastructure Area

The Priority Infrastructure Area (PIA) identifies and maps future expected urban development over a 10 to 15 year period, which has been identified in the LGIP, as the most cost efficient way to service trunk water, sewer, stormwater, roads and parks infrastructure. This projected development area also represents the most efficient cost to the community to develop.

The proposed development is located at 1086 Coast Road, Baffle Creek (Lot 2 RP617484) which is approximately 60km south-east of the township of Miriam Vale and 32.70km from the nearest boundary of the Priority Infrastructure Area. Figure Three demonstrates the location of the subject site to the Priority Infrastructure Area.



Figure Three – Subject Site to Priority Infrastructure Area

As the site is situated outside the Priority Infrastructure Area (PIA), the request is not consistent with the third prerequisite of this policy.

Other Prerequisites

The development application was not made by or on behalf of a Federal or State Government Agency.

Legal Environmental and Policy Implications:

The Applicant lodged a request to apply the Infrastructure Charges Rebate Scheme (P-2019-28) to a Nature Based Tourism use located at 1086 Coast Road, Baffle Creek (DA/29/2019) on 9 December 2019.

It was determined that the development approval does not meet the two of the three criteria listed under section "6.1 Application of Policy".

Council is empowered to make decisions outside of the scheme, and in this regard an alternative resolution may be decided by Council.

That Council advise Zone Planning Group (on behalf of Mr Kenton Bowden and Mrs Kathryn Dupuy-Bowden) that despite not meeting the prerequisites of the Infrastructure Charges Rebate Scheme (P-2019-28), an Infrastructure Agreement be entered into for a 50% reduction in the Infrastructure Charges for DA/29/2019 for the following reasons...

It should be noted that encouraging development outside of the PIA could mean that major trunk infrastructure may need to be built up to 15 years earlier than planned or in locations not previously considered, which could have a negative impact on Council's Long Term Financial Plan and may have flow-on effects on rates and the ability for Council to efficiently maintain assets.

Financial and Resource Implications:

An Adopted Infrastructure Charge Notice was issued 22 August 2019 (see attached) for the amount of \$26,700.00

If Council endorses the Officer's Recommendation, there will be no financial impacts to Council.

Should Council decide to apply a discount, \$13,350 in income from the current applicable Infrastructure Charges would not be charged.

Anticipated Resolution Completion Date:

If the request is refused, the Applicant will be informed within 10 business days of the decision.

If the request is approved, the Applicant must enter into an Infrastructure Agreement with Council.

Attachments:

1. Negotiated Decision Notice issued 8 November 2019;
2. Adopted Infrastructure Charge Notice issued 22 August 2019;

3. Request Infrastructure Charges Rebate Scheme for Development Permit (DA/29/2019) for a Material Change of Use for Nature Based Tourism (3 Sites) at 1086 Coast Road, Baffle Creek dated 9 December 2019; and
4. Applications Approved under the Development Infrastructure Rebate Scheme.

Tabled Items:

Nil

Report Prepared by: Planning Officer

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