

ATTACHMENT 1: ASSESSMENT, CONDITIONS OF APPROVAL AND NOTICE OF REASONS

ASSESSMENT – CHANGE APPLICATION (OTHER)

Planning Act 2016 and Planning Regulation 2017

As per s45(5) of the *Planning Act 2016* an impact assessment is an assessment that:

- a) Must be carried out:
 - i) Against the assessment benchmarks in a categorising instrument for the development, and
 - ii) Having regard to any matters prescribed by regulation for this subparagraph, and
- b) May be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

Sections 29-31 of the *Planning Regulation 2017* prescribe the assessment benchmarks and matters Impact Assessment must have regard to which has been upheld during this assessment.

State Planning Policy July 2017 – Water Quality:

The Minister has identified that the Planning Scheme appropriately advances the State Planning Policy 2016 however not the State Planning Policy July 2017. To ensure an appropriate assessment is carried against the State Interest for Water Quality, the following assessment is provided:

Assessment Benchmark	Officer's Assessment
(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (Appendix 2) of the State Planning Policy July 2017.	The applicant's common material speaks to stormwater, overland flow and flooding more generally however do not discuss how stormwater quality will be addressed which is acceptable for a Preliminary Approval. To ensure that this is dealt with at each Phase, conditions have been recommended that a Site Based Stormwater Management Plan be provided as part of Operational Works thus achieving compliance.

Central Queensland Regional Plan 2013:

The Minister has identified that the Planning Scheme appropriately advances the Central Queensland Regional Plan 2013. As such, an assessment is not required.

Gladstone Regional Council Planning Scheme Version 2:

Assessment of the proposal has been undertaken against the relevant assessment benchmarks. Where the proposal is considered to generally comply, a statement of compliance has been provided.

Assessment Benchmark	Benchmark Compliance	Officer's Assessment
Strategic Framework	Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input checked="" type="checkbox"/>	See further assessment below.
Airport Environs Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	Whilst the proposal is located within the mapped Airport Environs, the proposal will not impact airport operations. As such, assessment against the Overlay Code is not relevant for Preliminary Approval.
Biodiversity Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	See further assessment below.
Bushfire Hazard Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	See further assessment below.
Flood Hazard Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	A Climate Change Flood Assessment was provided which found that based upon the

Assessment Benchmark	Benchmark Compliance	Officer's Assessment
		Auckland Creek Flood Study and considering current climate change scenarios, in the 1 in 500 AEP event, Carthurbie Creek is confined to the channel, and the proposed development at Kirkwood Road is sufficiently elevated above the peak flood levels. Conditions relating to future Site Based Stormwater Management Plans being provided as part of Operational Works will also ensure that flood impacts are understood and managed as part of each Phase.
Steep Land Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	Whilst the subject site is mapped as having steep land, this will be assessed later as part of Operational Works associated with the detailed civil works designs. As such, assessment against the Overlay Code is not relevant to the Preliminary Approval.
Emerging Community Zone Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	The proposal generally complies with the assessment benchmarks of the Emerging Community Zone Code. The applicant's submitted NEIA report for the large format retail shop, and the Economic Need Assessment for the child care centre and swim school, has identified both community and economic need for the proposed changes to the Kirkwood Road Commercial Centre. Council's independent peer review by Norling Consulting has confirmed the submitted needs assessments comply with the requirements of the zone code. The review confirmed the change to include large format retail type uses would deliver a net positive benefit to the community, with a strong level of need for the Child care centre and a moderate need for a swim school.
Development Design Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	The proposal generally complies with the Development Design Code with conditions recommended relating to future Operational Works, amended water, sewer and traffic reporting and construction of roads, water, sewer, stormwater, landscaping and other essential items. Conditions relating to trunk infrastructure items and land dedication have also been recommended.
Landscaping Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	The proposal generally complies with the Landscaping Code with conditions requiring a Landscape Plan prepared by a Landscape Architect as part of Operational Works. The Landscape Plan is to be prepared generally with the intent of the assessment benchmarks of the Landscaping Code. As such, the proposal generally complies.
Local Government Infrastructure Plan	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	The proposal is not located within the Priority Infrastructure Area however, the proposal is located within the Emerging Community Zone where future urban development is expected to occur subject to need which the applicant's

Assessment Benchmark	Benchmark Compliance	Officer's Assessment
		common material has demonstrated. Council's LGIP anticipates the road intersection upgrades of Kirkwood Road and Weegool Road and Kirkwood Road and Forrest Springs Drive West to be upgraded by 2027 which is not out of sequence. As such, the proposal generally complies with the LGIP.

A further detailed assessment has been undertaken below where compliance has been unable to be achieved with one or more of the relevant provisions above.

Strategic Framework:

Assessment Benchmark	Officers Assessment
<p>3.3.1 Strategic Outcomes (11) Specialised centres provide for non-traditional centre activities such as showrooms, outdoor sales and bulky goods retailing. New specialised centre uses occur in the Specialised centre zone and not in other zones.</p>	<p>The proposal is a large 44,000m² commercial development unable to be located within the Specialised Centre Zone due to land size constraints and the lack of availability of suitably zoned land. Supported by the Economic Impact Assessment and Council’s external review, the proposal is appropriately located within land in the Emerging Community on the western portion of the Forest Springs Estate. The proposal is located generally in the ‘centre’ of the Kirkwood Road growth corridor and will be conveniently located upon the continued growth and development of residential subdivisions into the future.</p>
<p>3.3.1 Elements – Major Shopping Centres</p> <p>The Kirkwood Road centre is bounded on the corner of Kirkwood Road, Dixon Drive and Kahler Close and is characterised by an existing shopping centre, service station and food and drink outlet. The site represents some development potential however any future expansion is to provide lower order retail and/or commercial uses which service the immediate and future Kirkwood community. No further expansion of this centre is supported beyond the existing boundaries.</p>	<p>It is noted that the submitter raised this element as a point of non-compliance with the proposal however Council’s view is that this is only related to the existing Centre located at Forest Springs East. As such, this Element is unrelated.</p>
<p>3.3.1 Elements – Specialised Centres</p> <p>Growth projections necessitate a second ‘home maker’ centre over the life of this planning scheme.</p> <p>There is potential for this to occur along the Kirkwood Road corridor, between Harvey Road and Glenlyon Road, in a location which has:</p> <ul style="list-style-type: none"> • High visibility to passing trade • Easy access from an arterial road, with manageable impact on the traffic and transport network • A large site area (generally a minimum of 8 hectares) with unconstrained topography • Primarily an outdoor environment that allows shoppers to directly access their vehicles after purchasing • An internally coordinated traffic circulation system that minimises access points to surrounding roads 	<p>The proposal generally complies with this Element of the Strategic Framework.</p>

Assessment Benchmark	Officers Assessment
<ul style="list-style-type: none"> • Ample off-street carparking, and • Large floor plates for buildings which are designed to display a range of goods for sale. 	

Biodiversity Overlay Code:

Assessment Benchmark	Officers Assessment
<p>PO1 Development maintains and protects MNES (Matters of National Environmental Significance) and MSES (Matters of State Environmental Significance) by:</p> <ul style="list-style-type: none"> (a) locating in areas that avoid adverse impacts on MNES and MSES, or (b) where adverse environmental impacts cannot be avoided, impacts are minimised and an environmental offset is provided for any residual adverse impacts, and (c) the underlying ecological processes and biodiversity values of MNES and MSES are maintained or enhanced. 	<p>As part of the applicant's common material an Ecological Report was provided which found that whilst Wildlife Habitat would be required to be cleared for Phase One north of Weegool Road, the removal of such habitat was tolerable. Further minor clearing located south and to the west for Phases Two and Three however has been minimised with conditions recommended to protect Carthurbie Creek as discussed below. As such, PO1 is met.</p>
<p>PO2 Development is setback from and provides an adequate vegetated buffer to significant vegetation, habitats and areas containing MSES in order to:</p> <ul style="list-style-type: none"> (a) protect these areas and their values from threatening processes (b) avoid edge effects such as undesirable microclimate effects and threats from non-native or pest fauna or flora, and (c) maintain and enhance ecological connectivity. 	<p>Further to the assessment above, whilst there is some clearing expected to occur as part of Phase One, the Ecological Report did not find that such was of significance and required protection. As such, PO2 and PO10 are met.</p>
<p>PO10 Development avoids direct and indirect impacts on significant ecological communities and significant species and their habitats, including disturbance from the presence of vehicles, pedestrian use, increased exposure to domestic animals and noise and lighting impacts.</p>	
<p>PO18 An adequate buffer to a waterway is provided and maintained to:</p> <ul style="list-style-type: none"> (a) protect and enhance habitat values, connectivity and other ecological processes and values 	<p>As the proposal is unable to provide a 25m buffer entirely to Carthurbie Creek, assessment against PO18 is required. As part of the applicant's response to Information Request and Further Advice Notices, assessment concluded that in the worst instance, the proposal would be located 9m from the creek to almost 48m in other instances. To ensure that Carthurbie Creek is protected,</p>

Assessment Benchmark	Officers Assessment
<ul style="list-style-type: none"> (b) protect water quality and aquatic conditions (c) maintain natural micro-climatic conditions (d) maintain natural hydrological processes (e) prevent mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion or scalding, and (f) prevent loss or modification of chemical, physical or biological properties or functions of soil. 	<p>conditions of approval have been recommended that the applicant:</p> <ul style="list-style-type: none"> a) Provide a full site plan for approval clearly identifying development's footprint and the high bank of the mapped waterway (stream order 2), Carthurbie Creek, located along the northern and western boundaries of the development site. The plan must detail: <ul style="list-style-type: none"> i) The true high bank location of the waterway, using State contour and lidar mapping ii) Provide a minimum 10m buffer distance from the waterway's high bank to the development's footprint; and iii) The exact location of the development's footprint to the true high bank location and buffer measurements along the entire length of the waterway where adjacent to the development. b) Provide an outdoor lighting/shielding plan. c) Provide stormwater systems that are designed to treat water to remove hydrocarbons, sediments, nutrients and rubbish, slow runoff, mimic natural flows and avoid hard-piped discharge into the mapped waterway. d) Avoid fencing that prevents wildlife movements and is fauna friendly (no barbed wire). <p>As part of future Operational Works applications, a Site Based Stormwater Management Plan inclusive of quality and Erosion and Sediment Control Plan will be required during construction and operation further protecting Carthurbie Creek. As such, it is considered that the proposal complies with PO18.</p>

Bushfire Hazard Overlay Code:

Assessment Benchmark	Officers Assessment
<p>PO1 Development maintains the safety of people and property by not exposing them to an unacceptable risk from bushfire.</p>	<p>As part of the common material a Bushfire Hazard Assessment and Bushfire Management Plan was provided to meet PO1. Upon review, conditions have been recommended that the applicant:</p>

Assessment Benchmark	Officers Assessment
	<p>a) Construct temporary Bushfire Asset Protection Zones (firebreak area) in accordance with:</p> <ul style="list-style-type: none"> i) Figure 5. Development Staging and Required BMZ's – Stage 1; and ii) Figure 6. Development Stage and Required BMZ's – Stage 2; and <p>b) Maintain a low fuel state (less than 8 tonnes/hectare on aggregate) subject to landscape species in accordance with the <i>Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification</i> and certification from a Landscape Architect and Bushfire professional.</p>
<p>PO2</p> <p>Development does not result in a higher concentration of people living, working or congregating in a high or very high bushfire hazard area unless it can be demonstrated:</p> <ul style="list-style-type: none"> (a) there is an overriding community need in the public interest, and (b) no other site is suitable and reasonably available. 	<p>As the proposed Child Care Centre and Educational Establishment (Swim School) are located within the current Medium Risk Bushfire Hazard Area, assessment was undertaken as to how such uses would be able to be located noting that future clearing would ultimately reduce bushfire risk. To ensure that these land uses are protected from such risk, the Plan of Development and Development Code were amended to include provisions that no change to future assessment categories would occur where these:</p> <ul style="list-style-type: none"> a) are undertaken in accordance with the approved Bushfire Hazard Assessment and Management Plan; and b) achieve a maximum radiant heat exposure of 10kW/m² to the nearest hazardous vegetation (utilising a flame temperature of 1,200K). <p>If however, these uses are unable to comply with the above, subsequent Development Applications for a Material Change of Use of Premises would be required for assessment against the Bushfire Hazard Overlay Code.</p>
<p>PO6</p> <p>Development provides for adequate fire breaks that minimise bushfire hazard by:</p> <ul style="list-style-type: none"> (a) separating hazardous vegetation from development areas, and (b) facilitating access for firefighting and emergency vehicles. 	<p>In accordance with the Bushfire Hazard Assessment and Bushfire Management Plan, a Bushfire Management Zone (BMZ) is required along the northern, western and southern site boundaries between the boundary and the 29 kW/m² radiant heat flux setback. The BMZ falls within a commercial development area and will be maintained in a low-fuel state by design. Several proposed buildings extend into the BMZ, with the remainder comprising hardstand areas, driveways, a bio basin and car parking. Any landscaping within the BMZ must comply, with the bio basin incorporating low-fuel species to prevent hazardous vegetation encroachment. Firefighting access to adjacent hazardous vegetation will be maintained. As such, PO6 is considered met.</p>

Relevant Approval/s:

DA/10762/2008 Preliminary Approval for Change in Zone from Urban Expansion to Residential and Development Permit for Reconfiguring a Lot (five into 643 lots (stages four to 21))

The proposal is located within Stage 10 of the Forest Springs Estate and can integrate with the approved development framework plan inclusive of servicing and future trunk infrastructure works. To ensure the development integrates appropriately, conditions have been recommended regarding amended water and sewer modelling to ensure augmentations cater for the balance of the Forest Springs residential estate as well as the upgrades of Kirkwood Road and Weegool Road and Forest Springs Drive West. As such, all conflicts can be addressed.

DA/1008/2014 Preliminary Approval for a Change in Zone from Urban Expansion to Commercial Zone (Showrooms 44,000m² in six phases) and Development Permit for a Reconfiguring a Lot (two into five Lots and road reserve in four Stages)

Whilst the proposed Change Application (Other) does introduce new land uses within the Plan of Development and Development Code (Educational Establishment (Swim School), Child Care Centre and Shop (Supermarket), the proposal remains generally consistent with the intent of the current approval. The proposed amendments made to the Plan of Development and Development Code result in an improved outcome with greater integration with the Planning Scheme format and intent. As such, there are no conflicts with DA/1008/2014.

Other Relevant Matters related to Impact Assessment:

As per s45(5)(b) of the *Planning Act 2016* Council can have regard other relevant matters as part of its assessment which are included below:

- a) The proposed Change Application (Other) whilst including a Child Care Centre, Educational Establishment (Swim School) and Shop (including Supermarket) is generally consistent with the existing approval for DA/1008/2014
- b) The proposed Change Application (Other) results in an improved Plan of Development and Development Code which better integrates with the current Planning Scheme
- c) There is demonstrated economic and planning need for the development; and
- d) The revised conditions reflect those which would ordinarily be applied to such approval taking into consideration the Planning Scheme and its current standards.

ASSESSMENT – EXTENSION APPLICATION

Planning Act 2016 and Planning Regulation 2017

Assessment of the application has been carried out against the Extension Application provisions within s87(1) of the *Planning Act 2016*. Section 87(1) states that ‘when assessing an Extension Application, the Assessment Manager may consider any matter that the Assessment Manager considers relevant, even if the matter was not relevant to assessing the Development Application’. Considering this, the following matters have been considered as part of the assessment:

Matter	Officers Assessment
The consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or charges payable.	As a result of the Change Application (Other), the development reflects the Planning Scheme with the Development Code also amended to suite. The revised conditions of approval also reflect Council’s current conditions package. Future infrastructure contributions will be calculated in accordance with the policy in force at the time.
The community’s current awareness of the development approval.	As a result of the Change Application (Other), the proposal was readvertised for 30 business days

Matter	Officers Assessment
	between 6 November 2025 to 19 December 2025 therefore providing the community a second opportunity to provide comment on the proposal whilst also making the community broadly aware of the proposal in its current form.
Whether, if the request were refused: i) Further rights to make a submission may be available for a further development application; and ii) the likely extent to which those rights may be exercised.	Not applicable.
The views of any concurrence agency for the approval given.	Both the SARA and Ergon Energy were referred the proposal with no notable comments received.
Significant onsite works have been started and related approvals have been obtained.	No onsite works have started nor have any subsequent approvals been obtained.
There is a demonstrated town planning, community and economic need for the proposal.	The Economic Impact Assessment and Council's review have confirmed there is a demonstrated town planning and economic need for the development.
Whether the development has substantially started and if not, whether there is a credible and adequate explanation for not starting the development authorised by the approval.	The development has not substantially started.

With the changes made to the proposal as a result of the Change Application (Other) and the assessment above, the applicant's request of five additional years to the current period until 7 December 2032 is supported.

ASSESSMENT MANAGER CONDITIONS

Approved Plan(s) and Document(s)

The development must generally comply with the plan(s) and supporting documentation referenced in the table below and enclosed as stamped 'Approved Subject to Conditions' which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan/ Document Name	Drawing Number	Prepared by	Date
Climate Change Flood Assessment	Ref 11039-L01	WMS	17 September 2025
Bushfire Hazard Assessment and Bushfire Management Plan	S525072_BHAMP_OC_1.0	S5 Environmental	8 October 2025
Figure 5. Development Staging and Required BMZ's – Stage 1 Figure 6. Development Staging and Required BMZ's – Stage 2	S525072_Further_Adv_Feb_2026_V1.1-draft Lot1, 2, and 3 Kirkwood Road, Gladstone, Further Advice Response	S5 Environmental	February 2026
Kirkwood Road Commercial Centre Code	-	-	Date stamped May 2026

Plan(s) and/or Document(s) to be Amended

Plan/ Document Name	Drawing Number	Prepared by	Date
Masterplan	A-1.02 Rev. 18	ThomsonAdsett	18-08-2025
Site Plan - Phasing	A-1.01 Rev. 9	ThomsonAdsett	18-08-2025
Site Plan - Staging	A-1.00 Rev. 7	ThomsonAdsett	18-08-2025
Traffic Impact Assessment	Ref 25099, version 3	Rytenskiid Traffic Engineering	4 March 2026

Condition	Timing
Carry Out the Approved Development	
1) Undertake development generally in accordance with the approved plan(s) of development and/or document(s); except as altered by other conditions of this development approval including any amendments wherever made in red on the approved plan(s) and/or document(s).	At all times.

Amended Plan(s) and/or Document(s) Required

2)	<p>a) Submit for approval a revised Site Plan – Phasing and Site Plan - Staging to address the following:</p> <ul style="list-style-type: none"> i) Including the required road reserve width for Kirkwood Road/Dixon Drive intersection, Kirkwood Road/Forest Springs Drive intersection, Weegool Road and Forest Springs Drive (west) ii) Amended Site Based Stormwater Management Plan which removes reference to Catchment B Bio Basin which is in the Weegool Road corridor and details of stormwater drainage to the Western and Northern catchments; and iii) Sections and Elevations of all external building facades using a variety of building materials, treatments and colours. The amended plans are also 	Prior to the lodgement of the first Development Application for Operational Works.
----	--	--

Condition	Timing
<p>to include public art/murals. The public art/murals are to cover a minimum of 70% of the building façades and pay tribute to the Gladstone Region.</p> <p>b) Submit for approval an amended Traffic Impact Assessment (prepared by Rytenksild Traffic Engineering dated 4 March 2026) that addresses:</p> <ul style="list-style-type: none"> i) The intersections on Weegool Road and Forest Springs Drive (West) located to be demonstrated they are safe, efficient and do not compromise the function of any public road in accordance with the <i>Capricorn Municipal Development Guidelines – Geometric Road Design D1 Design Guideline</i> ii) Speed control devices and threshold intersection treatments in accordance with the <i>Capricorn Municipal Development Guidelines – Geometric Road Design D1 Design Guideline</i> iii) Compound growth rate of 3% utilised to determine future background traffic volumes iv) All future approved development of the Forest Springs Estate both East and West being 626 residential allotments west of forest springs (with a 50%/50% split between Weegool Road and Forest Springs Drive (West)); and v) All legs and movements are to achieve a level of service D or higher in the SIDRA intersection assessment. 	
<p>c) Implement the requirements and recommendations of the approved plan(s) and document(s). The approved amended plan(s) and document(s) will form part of the approval.</p>	<p>Prior to commencement of use.</p>

Special Conditions

3)	Upon commencement of the first use (ie certificate of classification), the applicant has 12 years to complete the development after which the remaining Development Permit will lapse.	At all times.
4)	Upon commencement of the first use (ie certificate of classification), the applicant is to advise Council in writing within 20 business days.	Upon commencement of the first use.

Staging Conditions

5)	Construct Weegool Road and the Kirkwood Road / Dixon Drive / Weegool Road intersection and have this 'on maintenance'.	Prior to commencement of use of Phase 1.
6)	Construct Forest Springs Drive West and the Forest Springs Drive West / Kirkwood Road intersection and have this 'on-maintenance'.	Prior to commencement of use of Phase 2 and/or 3.
7)	Submit a plan, for approval, illustrating a defined entry statement/private art piece located along the Weegool Road and Forest Springs Drive West frontages of the site which incorporates a range of colours, materials and landscaping treatments, creating a unique design outcome with a defined theme.	Prior to the lodgement of the first Development Application for Operational Works.
8)	Any Advertising Devices are to be no taller than 15m or no higher than 59.5m AHD, whichever is greater.	At all times.

Condition	Timing
Bushfire Management Staging	
<p>9) a) Construct temporary Bushfire Asset Protection Zones (firebreak area) in accordance with:</p> <ul style="list-style-type: none"> iii) Figure 5. Development Staging and Required BMZ's – Stage 1; and iv) Figure 6. Development Stage and Required BMZ's – Stage 2; and <p>b) Maintain a low fuel state (less than 8 tonnes/hectare on aggregate) subject to landscape species in accordance with the <i>Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification</i> and certification from a Landscape Architect and Bushfire professional.</p>	<p>Prior to the commencement of construction within of Phase 1 and Phase 2, and then to be maintained until vegetation hazardous vegetation is removed.</p>
Operational Works	
<p>10) a) Submit a development application for operational work, prepared generally in accordance with the <i>Engineering Design Planning Scheme Policy</i> within the <i>Gladstone Regional Council Planning Scheme</i>. The application must be for the entire works required for each precinct and is to include the following:</p> <ul style="list-style-type: none"> i) Earthworks (including retaining walls) ii) Vegetation clearing iii) Roadworks (including driveway crossover and kerb and channelling) iv) Water infrastructure v) Sewerage infrastructure vi) Stormwater management (including flood and drainage control) vii) Street lighting, electrical and telecommunications viii) Landscaping, environmental protection and works; and ix) Access and car parking. <p>b) Obtain a development permit for any assessable operational work.</p> <p>c) Carry out works in accordance with the relevant permit(s), and the <i>Engineering Design Planning Scheme Policy</i> within the <i>Gladstone Regional Council Planning Scheme</i>.</p> <p>d) Obtain an Acceptance of Works or On Maintenance for the works completed.</p>	<p>Prior to commencing any assessable operational works on-site for each phase.</p> <p>Prior to commencing any assessable operational works on-site.</p> <p>During construction.</p> <p>At completion of works and prior to commencement of use.</p>
Water and Sewer Infrastructure	

Condition	Timing
<p>11) a) Submit a Civil Engineering Strategy for Water Supply and Sewerage for approval which includes:</p> <ul style="list-style-type: none"> i) Water and Sewer demand calculations based on the <i>Engineering Design Planning Scheme Policy</i> within the <i>Gladstone Regional Council Planning Scheme</i> for the entire Forest Springs West development footprint (inclusive of DA/54/2025 and DA/10762/2008) ii) Hydraulic and sewerage augmentation drawings iii) Construction and staging works; and iv) Review the sewer network downstream from the proposed lots to SOI pump station inclusive of pump station S06 and associated rising main. This review is to identify any additional upgrades required to service the proposed lots considering the anticipated land use was residential. This review will consider any previously approved Operational Works and that infrastructure, required to serve other development both internal and external to the site, is to be constructed in its ultimate form. <p>b) Construct the water and sewer infrastructure per the approved Civil Engineering Strategy for each Stage/Phase.</p>	<p>Prior to the lodgement of the first Development Application for Operational Works.</p> <p>As part of construction of each Phase and prior to commencement of use.</p>
<p>12) A water service connection is to be provided from Council's water supply infrastructure to the front property boundary. The location and size of the water service (and any associated fire service) is to be determined in consultation with Council.</p>	<p>As part of construction.</p>
<p>13) Connections to Council's live water reticulation network must be carried out by Council at the applicant's cost.</p>	<p>As part of construction.</p>
<p>14) All sanitary drainage is to drain into new privately owned maintenance hole within the development site, before connection to Council's sewerage infrastructure in accordance with Council's Standard Drawings. Separate sanitary drainage connections are to be provided for each allotment. The location and size of the sewer service is to be determined in consultation with Council.</p>	<p>As part of construction.</p>
<p>15) Connections to Council's live sewerage network must be carried out by Council at the applicant's cost.</p>	<p>As part of construction.</p>

Stormwater

<p>16) a) Submit a Site Based Stormwater Management Plan for the entire development, certified by a Registered Professional Engineer of Queensland for both stormwater quantity and quality in accordance with the <i>Engineering Design Planning Scheme Policy</i> of the <i>Gladstone Regional Council Planning Scheme</i> and the <i>State Planning Policy – July 2017</i>. The Stormwater Management Plan is to address pre, post and during construction stormwater management strategies. Note: Council will not accept any stormwater infrastructure including detention/retention within future road reserves.</p>	<p>As part of the first application for operational works.</p>
<p>b) Implement the requirements and recommendations of the Site Based Stormwater Management Plan.</p>	<p>At all times.</p>

Necessary Trunk Infrastructure – LGIP Identified

<p>17) Construct the described necessary trunk infrastructure (LGIP identified) to the specified standard as per the Local Government Infrastructure Plan.</p>	<p>As part of construction and</p>
---	------------------------------------

Condition	Timing
<p>Necessary trunk infrastructure</p> <p>Road</p> <p>LGIP infrastructure item</p> <p>Weegool Road (Kirkwood Road to Carthurbie Creek) – New road (provide two lane Distributor Road)</p> <p>LGIP infrastructure map reference</p> <p>R-KIR-003</p> <p>Desired standard of service</p> <p>Per Section 4.2.4.4 of LGIP - R-KIR-003 is notated as a Collector Road within the LGIP however is to be constructed as a Distributor Road standard.</p> <p>Intersection Upgrade (Signals)</p> <p>Kirkwood road / Dixon Drive</p> <p>R-KIR-001</p> <p>Per Section 4.2.4.4 of LGIP</p> <p>Road</p> <p>Forest Spring Road (West)</p> <p>R-KIR-004</p> <p>Per Section 4.2.4.4 of LGIP</p> <p>This condition is imposed under section 128(1) of the <i>Planning Act 2016</i>.</p>	<p>prior to commencement of use.</p>
<p>18) Dedicate land shown on the approved plan as road widening along the frontage of the site to Weegool Road and the signalised intersection at Weegool Road and Kirkwood Road. The land is to be dedicated as road reserve.</p> <p>This condition is imposed under section 128(1) of the <i>Planning Act 2016</i>.</p>	<p>Prior to commencement of use.</p>
<p>Transport services</p>	
<p>19) Weegool Road is to be constructed to:</p> <p>a) A 2 Lane Distributor Road Standard in accordance with Council's Road Hierarchy Policy Council's <i>Standard Drawing CMDG-R-013 - Type Cross Section - Major Urban Collector/Distributor</i></p> <p>b) A four-way signalised Kirkwood Road / Weegool Road / Dixon Drive intersection in accordance with the <i>Capricorn Municipal Development Guidelines – Geometric Road Design D1 Design Guideline</i></p> <p>c) No parking provided</p> <p>d) An uninterrupted raised median at least 2m wide</p> <p>e) A bus stop is to be provided on either side of the road between Kirkwood Road and the proposed roundabout Weegool Road in accordance with the <i>Capricorn Municipal Development Guidelines – Geometric Road Design D1 Design Guideline</i></p> <p>f) A 2.5m wide concrete footpath for the full extent of the Weegool Road frontage(s) of the site and connecting into the Kirkwood Road / Weegool Road / Dixon Drive intersection, in accordance with Council's Standard Drawing <i>CMDG-R-058 Concrete Pathway and Cross Section & Joint Details</i>; and</p> <p>g) Reinstate all existing disused invert crossings with kerb and channel in accordance with Council's Standard Drawing <i>CMDG-R-060 - Standard Kerb and Channel Profiles</i>.</p>	<p>Prior to commencement of the first use in Phase 1.</p>
<p>20) Forest Springs Drive (West) is to be constructed to:</p>	<p>Prior to commencement of</p>

Condition	Timing
<ul style="list-style-type: none"> a) A 2 Lane Distributor Road Standard in Accordance with Council's <i>Standard Drawing CMDG-R-013 - Type Cross Section - Major Urban Collector/Distributor</i> b) A four-way signalised Kirkwood Road / Forrest Springs Drive intersection in accordance with the <i>Capricorn Municipal Development Guidelines – Geometric Road Design D1 Design Guideline</i> c) No parking provided d) An uninterrupted raised median at least 2m wide e) A bus stop is to be provided on either side of the road between Kirkwood Road and the proposed roundabout on Forest Springs Drive (West) in accordance with the <i>Capricorn Municipal Development Guidelines – Geometric Road Design D1 Design Guideline</i> f) A 2.5m wide concrete footpath for the full extent of the Forest Springs (West) frontage(s) of the site and connecting into the Kirkwood Road / Forest Springs (West) intersection, in accordance with Council's Standard Drawing <i>CMDG-R-058 Concrete Pathway and Cross Section & Joint Details</i>; and g) Reinstate all existing disused invert crossings with kerb and channel in accordance with Council's Standard Drawing <i>CMDG-R-060 - Standard Kerb and Channel Profiles</i>. 	the first use in Phase 3.
<p>21) Weegool Road, Forest Springs Drive (West), the signalised intersections and central roundabout footprints are to be constructed and dedicated as road reserve for the 2 Lane Distributor Road in accordance with the <i>Capricorn Municipal Development Guidelines</i>, at no cost to Council.</p>	Prior to commencement of use of the relevant Phase.
<p>22) A total of 2 bicycle parking spaces are to be provided in an upright position for every 1,500m² of Gross Floor Area within 30m walking distance of a pedestrian entry to the building.</p>	Prior to the commencement of the use.

Landscaping

<p>23) a) Submit a Landscaping Plan prepared by a Landscape Architect to:</p> <ul style="list-style-type: none"> i) Be designed to complement the amended elevations and section plans; and ii) Be generally in accordance with the <i>Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification</i> iii) Provide a minimum 2m wide landscape buffer along the northern and western boundaries of the development site iv) Identify the landscape works to be carried out v) Include the plant schedule detailing the number of plants, species, pot size and height at planting vi) Include details of soil and mulch types, including depths, areas of turf, garden edges and paving finishes vii) Demonstrate the location and species of any existing trees, with an indication as to whether each tree is proposed to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree viii) Show planting of street trees within road reserve ix) Show details of the proposed irrigation system; and x) Show details and specifications for any disturbed areas such as turfing of the verge and weed eradication and grassing internally. 	As part of any application for operational works.
<p>b) Construct the landscaping in accordance with the approved Landscaping Plan.</p>	As part of construction.

Specific Bushfire Hazard Assessment

Condition	Timing
<p>24) Implement the requirements and recommendations of the approved Bushfire Hazard Assessment and Bushfire Management Plan including:</p> <ul style="list-style-type: none"> a) A Bushfire Management Zone (BMZ) is provided between the site boundary (edge of hazardous vegetation) and the 29 kW/m² radiant heat flux setback. b) Within the BMZ: <ul style="list-style-type: none"> i) Fuel loads are maintained at less than 8 tonnes/hectare on aggregate subject to landscape species in accordance with the <i>Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification</i> and certification from a Landscape Architect and Bushfire professional ii) Garden beds must not form a continuous corridor of vegetation and are broken up every 15-20m by rock, gravel or pavement areas iii) Garden beds do not contain organic garden mulch iv) Tree canopies between individual trees must be separated by a minimum of 2 metres v) Tree limbs and branches must be removed up to 2 metres from ground level to prevent laddering (fire climbing into the canopy) vi) Shrubs are not to be planted beneath canopy trees vii) Ground covers must not exceed 1m in height, or 500mm where within the drip zone of any tree viii) Plants greater than 10cm in height at maturity must not be placed within 3m of windows or other glass features; and ix) Lawn and grass areas are maintained at a mown height of no more than 100mm. c) Landscaping and detention basins within 100m of hazardous vegetation: <ul style="list-style-type: none"> i) Use low flammability species; and ii) Maintain a fuel load of less than 8 tonnes/hectare on aggregate subject to landscape species in accordance with the <i>Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification</i> and certification from a Landscape Architect and Bushfire professional. <p><i>Advisory Note – Guidance for landscaping within Bushfire prone areas may be sought from:</i></p> <ul style="list-style-type: none"> a) <i>Bushfire Resilient Communities Technical Reference Guide</i> b) <i>Bushfire Resilient Building Guidance for Queensland Homes; and</i> c) <i>Plant Selection Key prepared by the Country Fire Australia.</i> 	<p>Prior to the issue of Form 21 Final Inspection Certificate for each building and at all times.</p>
Biodiversity	
<p>25) a) Provide a full site plan for approval clearly identifying development's footprint and the high bank of the mapped waterway (stream order 2), Carthurbie Creek, located along the northern and western boundaries of the development site. The plan must detail:</p> <ul style="list-style-type: none"> i) The true high bank location of the waterway, using State contour and lidar mapping ii) Provide a minimum 10m buffer distance from the waterway's high bank to the development's footprint; and iii) The exact location of the development's footprint to the true high bank location and buffer measurements along the entire length of the waterway where adjacent to the development. 	<p>Prior to lodging the first development application for operational works.</p>

Condition	Timing
b) Provide an outdoor lighting/shielding plan. c) Provide stormwater systems that are designed to treat water to remove hydrocarbons, sediments, nutrients and rubbish, slow runoff, mimic natural flows and avoid hard-piped discharge into the mapped waterway. d) Avoid fencing that prevents wildlife movements and is fauna friendly (no barbed wire).	As part of construction of each Phase and at all times.

ASSESSMENT MANAGER ADVICE

Assessment Manager's Advice	
1)	<p>Rates Notation</p> <p>The following notation will apply to the parent lots and all lots created on the land:</p> <p><i>This lot forms part of land which is subject to a variation approval issued under the Planning Act 2016 (Council Reference: DA/1008/2014). The variation approval is subject to an approved Plan of Development and Development Code otherwise known as the Kirkwood Road Commercial Centre Code. Development undertaken pursuant to this variation approval must comply with all relevant conditions.</i></p>
2)	<p>Biosecurity</p> <p>The applicant is to ensure all practical measures are taken to achieve the advancement of the <i>Biosecurity Act 2014</i> and Council's <i>Biosecurity Plan (as amended)</i>.</p> <p>Penalty provisions apply for failing to fulfil the <i>Biosecurity Act 2014</i>.</p>
3)	<p>Council Forms, Policies and Standards</p> <p>The Capricorn Municipal Development Guidelines within the Engineering Design Planning Scheme Policy contains Council's Standard Drawings, Specifications and Design Guidelines which is found at http://www.cmdg.com.au.</p> <p>Council's Application Forms can be found at http://www.gladstone.qld.gov.au/forms.</p> <p>Council's Policies are found at https://www.gladstone.qld.gov.au/policies.</p>
4)	<p>Removal of Protected Vegetation</p> <p>This development approval does not approve or authorise the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:</p> <p>a) Environment Protection and Biodiversity Conservation Act 1999 (Cth); and b) Nature Conservation Act 1999 (Qld); and c) Vegetation Management Act 1999 (Qld).</p> <p>For further information see: https://www.qld.gov.au/environment/land/management</p>
5)	<p>Plumbing and Drainage Works</p> <p>a) Obtain a plumbing and drainage works permit in accordance with the <i>National Construction Code</i> and the <i>Plumbing and Drainage Act 2018</i>; and b) Obtain a final inspection certificate certifying all relevant plumbing and drainage works have been completed in accordance with the relevant code requirements.</p>
6)	<p>Building Over or Adjacent Infrastructure</p>

Assessment Manager's Advice

Comply with the *Queensland Development Code MP1.4 – Building Over or Near Relevant Infrastructure* and Council Policy *P-2023/11 Building Over or Adjacent to Council Infrastructure*

7) Building Work

- a) Obtain a development permit for building work in accordance with the *National Construction Code*, the *Building Act 1975* and the *Planning Act 2016*; and
 - b) Obtain a *Form 21 Final Inspection Certificate* certifying the work has been completed.
-

8) End-of-trip facilities

Comply with the *Queensland Development Code MP4.1 – Sustainable buildings* for end of trip facilities.

STATEMENT OF REASONS

Application Number:	DA/1008/2014
Proposal:	Preliminary Approval including a Variation Request to vary the effects of the Gladstone Regional Planning Scheme 2017 Version 2 for development in accordance with the provisions of the Kirkwood Road Commercial Centre Code Material Change of Use including a Preliminary Approval for Advertising Devices, Car Wash, Child Care Centre, Educational Establishment (Swim School), Food and Drink Outlet, Garden Centre, Hardware and Trade Supplies, Health Care Services, Indoor Sport and Recreation, Office, Service Station, Shop (including Supermarket), Showroom and Veterinary Services
Property Address:	Lot 1, 2 and 3 Kirkwood Road, Kirkwood QLD 4680
Property Description:	Lot 1, 2 and 3 on SP341685

The following information is provided in accordance with s63(5) of the *Planning Act 2016* and must be published on the assessment manager's website.

Reasons for the Decision

The reasons for this decision are:

- a) The application was properly made and followed the process set out in the Development Assessment Rules in effect at the time the application was properly made.
- b) The application was assessed against the applicable Assessment Benchmarks identified in this Statement.
- c) The assessment manager found that, subject to the reasons listed below and/or the imposition of development conditions contained in the Decision Notice, the development generally complied with the relevant Assessment Benchmarks applicable to the development identified in this Statement.

Assessment Benchmarks

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

State Planning Policy – July 2017	Water Quality Biodiversity
Gladstone Regional Council Planning Scheme Version 2.0	Strategic Framework Airport Environs Overlay Code Biodiversity Overlay Code Bushfire Hazard Overlay Code Flood Hazard Overlay Code Steep Land Overlay Code Emerging Community Zone Code Development Design Code Landscaping Code Local Government Infrastructure Plan
Other	DA/10762/2008 Preliminary Approval for Change in Zone from Urban Expansion to Residential and Development Permit for Reconfiguring a Lot (five into 643 lots (stages four to 21)) DA/1008/2014 Preliminary Approval for a Change in Zone from Urban Expansion to Commercial Zone (Showrooms 44,000m ² in six Phases) and Development Permit for a Reconfiguring a Lot (two into five Lots and Road Reserve in four Stages) DA/6/2024 Development Permit for Reconfiguring a Lot (two into three lots)

Reasons for Approval Despite Non-Compliance with Assessment Benchmarks

Benchmark reference	Reason
Nil	Nil

Relevant Matters for Impact Assessable Development s45(5)(b)

- a) The proposed Change Application (Other) whilst including a Child Care Centre, Educational Establishment (Swim School) and Shop (including Supermarket) is generally in harmony with the existing approval for DA/1008/2014
- b) The proposed Change Application (Other) results in an improved Plan of Development and Development Code which better integrates with the Planning Scheme
- c) There is demonstrated need for the development; and
- d) The revised conditions reflect those which would ordinarily be applied to such approval taking into consideration the Planning Scheme and its current standards.

Matters Raised in Submissions for Impact Assessable Development

The following matters raised in submissions were given regard to or had assessment carried out against, in undertaking the assessment of this development application.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
The development is not of a type and scale appropriate for the prevailing nature of the area and the circumstances of the site and its surrounds.	The Change Application (Other) does not propose an increase in the approved Gross Floor Area of 44,000m ² . The subject sites are located within the Emerging Community Zone on 57.657 hectares of vacant land. A development of the size and scale proposed is only suitable within this zone given the absence of other appropriately zoned land such as the Specialised Centre Zone and demonstrated need.
The development is not envisaged by the Planning Scheme. The Planning Scheme identifies the major Shopping Centre for Kirkwood Road is bound on the corner of Kirkwood Road, Dixon Drive and Kahler Close. The Planning Scheme acknowledges that any further expansion is provided lower order retain and/or commercial uses which services the immediate future Kirkwood community.	The Economic Impact Assessment provided by the applicant along with Council's economic review concluded that whilst spends at existing Centres would be reallocated to the proposal, such would be within acceptable limits.
The development will have unacceptable impacts on the Kirkwood Road Shopping Centre as well as others within the surrounding network of centres.	The applicant has provided an assessment against the Planning Scheme, improved the Development Code to align with the structure of the Planning Scheme, Economic Impact Assessment and updated engineering works technical studies to justify the changes to the existing Preliminary Approval.
The development has not adequately demonstrated in its application material sufficient detail to support approval of the proposed development.	The Economic Impact Assessment provided by the applicant along with Council's economic review concluded that increasing the Gross Floor Area of Shops to 7,500m ² subject to limiting some Shop uses to a minimum of 500m ² was appropriate for the catchment and the anticipated population growth within the area.
The Planning Scheme establishes a clear intent for a Specialised Centre to not compromise retailing that is a regularly visited such as small Shops (including supermarkets) and Shopping Centres.	Other relevant matters that support the proposal include: <ul style="list-style-type: none"> • The proposal will not have an adverse impact on existing Centres
The proposed development does not comply with the Planning Scheme, and there are no relevant matters to approved the proposed development despite the non-compliance.	

	<ul style="list-style-type: none"> • There is demonstrated need for the proposal and this need is increasing as the Region grows • All development engineering matters can be resolved via conditions of approval; and <p>There is no other suitably zoned land such as Centre or Specialised Centre for the proposal of this nature to be located.</p>
<p>The Kirkwood Road Commercial Centre Code is poorly drafted. The Categories of development and assessment, and the assessment benchmarks for assessable and accepted development requirements do not appropriately consider the scale of intensity and associated operational impacts of the land uses. It has not considered the consequences in regard to function of the centre within the centre hierarchy.</p>	<p>The Development Code has been redrafted to reflect the structure of the Planning Scheme by:</p> <ul style="list-style-type: none"> • Including the Development Design and Landscaping Codes as applicable benchmarks for Accepted Development Subject to Requirements • Removing Operational Work and Reconfiguring a Lot triggers and referring to the Planning Scheme for future proposals; and • Improving the 'line of sight' from Acceptable Outcomes to the Overall Outcomes. <p>It is considered that the amended Development Code is a vast improvement to that currently approved.</p>
<p>A peer review of the Economic Needs Assessment was carried out by Urban Economics. Matters raised included:</p> <ul style="list-style-type: none"> • The piecemeal nature of the development by submitting a standalone supermarket application (DA/54/2025), and adding additional uses of a Child Care Centre and Educational Establishment (Swim School) • The cumulative impacts of the proposed development should be assessed as such (i.e. individual land use economic assessments do not reflect the typical trade area for large format shops) • Provided an analysis of retail expenditure that is deficient and cannot be relied upon to make an informed decision • A report that does not address the existing provisions of stores or floorspace within the defined category niche • Does not contemplate the supply of appropriately zoned sites which could accommodate the development • Has not demonstrated any gap in the provision of large Shop floorspace within Gladstone which cannot be met within existing centres; and • The applicant has failed to provide a Need and Economic Impact Assessment that is prepared in accordance with the Community and Economic Needs Assessment Planning Scheme Policy. 	<p>The Economic Impact Assessment provided by the applicant along with Council's economic review concluded that the proposal as amended would deliver a net positive benefit to the community with the amendments to Shop and larger Shop uses being acceptable for the growing catchment an absence of other available centre type uses.</p>

For more information on the Statement of Reasons about the decision please refer to the state government fact sheet [Fact Sheet - Statement of Reasons](#).