

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

ASSESSMENT

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.	With the technical confirmation from the Development Engineers, it is confirmed the submitted Stormwater Management Plan, prepared by Bornhorst + Ward, has demonstrated compliance with the assessment benchmarks of the SPP for Water Quality, nothing further detailed assessment will be required at construction 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 checked="" type="checkbox"/> No <input type="checkbox"/> In part <input 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 subject site is mapped within the Airport Environs area, the proposal will not have any impacts. Therefore assessment is not considered relevant.
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.

Assessment Benchmark	Benchmark Compliance	Officer's Assessment
Flood Hazard Overlay Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	Council's Development Engineers have reviewed the submitted site-based stormwater management plan, Flooding and Stormwater Management plan prepared by Cardno in 2015, and the Climate Change Flood Assessment prepared by WMS Engineering. These documents have demonstrated the proposed development achieves compliance with the Flood hazard overlay code by demonstrating the development footprint is outside of the flood extent. This determination considered the implications of climate change as per the Australian Rainfall and Runoff (ARR) guideline.
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, the development footprint is well away. Therefore, assessment is not considered relevant.
Emerging Community Zone Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	The proposed development is to construct a full-line Coles Supermarket which has been identified through both the applicant's NEIA and Council's independent peer review by Norling Consulting as having both community and economic need. The Norling Consulting peer review confirmed there is a strong level of community need for a second Coles supermarket to be added to the Gladstone urban area. The review also concluded there is a moderate level of economic need for a Coles supermarket to be added to the trade area with the level increasing to strong by 2030 as population grows. The proposal generally complies with the assessment benchmarks of the Emerging community zone code.
Development Design Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	Council's Development Engineers have reviewed all application material, including the amended engineering reports in response to Council's information request and further advice notice, and confirm the development generally complies with the assessment benchmarks of the Development design code subject to conditions being imposed. Conditions include: <ul style="list-style-type: none"> • Roadworks to construct Weegool Road and the extension for a four-way intersection at the Kirkwood Road/Dixon Drive signalised intersection. • Construction of sewer main from Dixon Drive to the front of the development site, via new Weegool Road reserve, to provide sewer connection. • Construction of a water supply connection to the frontage of the development site, via new Weegool Road reserve. See detailed assessment below.
Landscaping Code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/>	The application material includes Landscape Concept plans which demonstrates general compliance with the assessment benchmarks and appropriate conditions will be imposed for a more detailed landscape plan to be provided during the operational works stage.

Assessment Benchmark	Benchmark Compliance	Officer's Assessment
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. Via the common material and external review of the Need and Economic Impact Assessment, the proposal has demonstrated its ability to fulfil a community, planning and economic need thereby justifying development. Council's LGIP anticipates the upgrades of Kirkwood Road and Weegool Road. As such, it is considered that the proposal complies in part 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>Complies The proposed Shop is for a full-line modern Supermarket, for a Coles tenancy. The supporting NEIA, and Council’s independent peer review, confirms there is not sufficient vacant land within the Specialised Centre Zone due to land size constraints and the lack of availability of suitably zoned land. 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>Retailing that is regularly visited such as small shops (including supermarkets) and shopping centres are not supported in 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 	<p>Complies As demonstrated in the supporting NEIA, and Council’s independent peer review, there is not sufficient centre zoning in the Gladstone urban area for the development of a modern full-line supermarket to support a new Coles tenancy. The NEIA has demonstrated a second Coles in the Gladstone urban area has community and economic need.</p> <p>The proposed Supermarket is to be located within the proposed Kirkwood Road Commercial Centre (Preliminary Approval DA/1008/2014) which will deliver a second ‘home maker’ centre which limits the use of retailing for small shops, and permits large format retail, bulky goods, showrooms etc. The Supermarket has been designed in accordance with the Other Change application being assessment concurrently and can be supported. The proposal generally complies with this Element of the Strategic Framework.</p>

Assessment Benchmark	Officers Assessment
<ul style="list-style-type: none"> • 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 • 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>Complies As part of the submitted material an Ecological Report was provided which found that whilst Wildlife Habitat would be required to be cleared for the Supermarket, the removal of such habitat was tolerable. Council acknowledges that the removal of this Wildlife Habitat has already been granted under previous, active development approvals on site and therefore the impacts of this habitat removal have been accepted. Conditions are recommended to protect Carthurbie Creek as discussed below.</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>Complies Further to the assessment above, the Ecological Report did not find that such was of significance and required protection. 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>	

Assessment Benchmark	Officers Assessment
<p>PO18</p> <p>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 (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>Complies, with conditions</p> <p>The applicant's response to the further advice item, requiring a 25m development free buffer to the top of bank of Carthurbie Creek, demonstrated the development was likely to encroach into the top of bank. The applicant provided mitigation measures through a number of design outcomes to demonstrate how the development achieves PO18.</p> <p>However, the applicant has not provided sufficient detail and evidence of correct surveying of Carthurbie Creek's top of bank. Consequently, it is recommend imposing the following condition:</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>The imposing of this condition supports the assessment benchmarks of the Biodiversity overlay code and is considered reasonable and relevant to support approval of the development.</p>

Bushfire hazard overlay code

Assessment Benchmark	Officers Assessment
PO1	Complies, with conditions

Assessment Benchmark	Officers Assessment
<p>Development maintains the safety of people and property by not exposing them to an unacceptable risk from bushfire.</p>	<p>As part of the application material a Bushfire Hazard Assessment and Bushfire Management Plan was provided to meet PO1. Upon review, conditions have been recommended to approve the Bushfire Hazard Assessment and Bushfire Management Plan including:</p> <ul style="list-style-type: none"> a) Bushfire Management Zone (BMZ) is provided between the site boundary (edge of hazardous vegetation) and the 29 kW/m² radiant heat flux setback, and b) Within the BMZ, 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>PO2 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>Complies The development site is identified as containing a medium bushfire hazard area. With the area of medium bushfire hazard expected to reduce with the proposed vegetation clearing, and the recommended mitigation measures proposed in the conditions described above, the development will not result in a higher concentration of people working or congregating in a high or very high bushfire hazard area.</p>
<p>PO6 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>Complies In accordance with the Bushfire Hazard Assessment and Bushfire Management Plan, a Bushfire Management Zone (BMZ) is required along the northern, and western site boundaries between the boundary and the 29 kW/m² radiant heat flux setback. The BMZ will be maintained in a low-fuel state by design. 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.</p>

Development design code

Assessment Benchmark	Officers Assessment
<p>PO1 Development is serviced by an adequate, safe and reliable supply of potable and general use water, connected to reticulated water supply where possible.</p>	<p>Complies with conditions The applicant has identified the site can be serviced by Council's water supply network located within the Kirkwood Road reserve. Council has reviewed the applicant's water supply demand calculations and confirmed the existing network is sufficient for the proposed development's demand. Condition to be</p>

Assessment Benchmark	Officers Assessment
	imposed to ensure the site is connected to the water supply network with an extension of the water line within the proposed Weegool Road reserve.
<p>PO2 Development is serviced by appropriate sewerage disposal infrastructure which ensures:</p> <ul style="list-style-type: none"> (a) no adverse ecological impacts on the receiving environment (b) cumulative impacts of onsite waste water treatment is considered in assessing the likely environmental impacts public health is maintained the location, site area, soil type and topography is suitable for any on site waste water treatment, and (c) public health is maintained (d) the location, site area, soil type and topography is suitable for any on site waste water treatment, and (e) the reuse of waste water does not contaminate any surface water or ground water 	<p>Complies with conditions</p> <p>The applicant has identified the site can be serviced by Council's sewerage network located within the Dixon Drive reserve to the east of the development site. Council has reviewed the applicant's sewerage demand calculations and confirmed the existing network is sufficient for the proposed development's demand. Condition to be imposed to ensure the site is connected to the sewerage network which will require an extension of the sewer main to the frontage of the development site on the western side of Kirkwood Road, via the proposed Weegool Road reserve.</p>
<p>PO5 Stormwater management is designed and operated to:</p> <ul style="list-style-type: none"> (a) ensure that adjoining land and upstream and downstream areas are not adversely affected through any ponding or changes in flows, and (b) direct stormwater to a lawful point of discharge through competently designed and constructed outlet works in a manner that reflects the predevelopment status. 	<p>Complies</p> <p>Council's development engineer has confirmed the development can be serviced with internal stormwater infrastructure and discharge to the lawful point of discharge being Carthurbie Creek. The site-based stormwater management plan, Flooding and Stormwater Management plan prepared by Cardno in 2015, and the Climate Change Flood Assessment prepared by WMS Engineering, has demonstrated the proposed development's design achieves compliance with PO5 and PO6 for stormwater management.</p>
<p>PO6 Stormwater drainage network elements are designed and constructed with the capacity to control stormwater flows under normal and minor system blockage conditions for the applicable defined flood event ensuring there is no damage to property or hazards for motorists.</p>	
<p>PO8 Development is designed such that earthworks and any associated retaining structures:</p> <ul style="list-style-type: none"> i) result in a landform that is stable, ii) maintain as far as practical, and minimise alteration to, the existing landforms, iii) minimise height of batter faces and retaining structures, iv) do not unduly impact on the amenity or privacy for occupants of 	<p>Can comply, further assessment as Op Works stage.</p> <p>Due to the sloping land, the development site will require earthworks and consequential retaining walls to be constructed during the operational works and likely building works stages for the Supermarket. Detailed design will form part of the future operational works application.</p>

Assessment Benchmark	Officers Assessment
<p>the site or on adjoining land,</p> <ul style="list-style-type: none"> v) do not unduly impact on the amenity of the streetscape, vi) achieves a high level of visual amenity, vii) does not prevent or obstruct the function of adjacent sites including land in Council ownership; and viii) are designed and constructed so that they do not cause unintentional ponding (i.e. ponding not associated with stormwater control) on the site or on nearby land. 	
<p>PO9 Development includes the provision of adequate and convenient car and bicycle parking on-site to satisfy the anticipated requirements of the activity.</p>	<p>Complies, condition. The proposed supermarket requires 1 space per 25m² resulting in 160 car parking spaces. The development proposes 190 car parking spaces. Bicycle parking is required at a rate of 1 space per 200m² resulting in a needed 20 bicycle spaces. The development proposed 20 spaces.</p>
<p>PO10 Where in urban areas, development provides end of trip facilities to encourage people to engage in active transport (bicycles and pedestrians):</p> <ul style="list-style-type: none"> (a) to meet the needs of users and promote active modes of travel (b) at convenient, easily identifiable, safe locations, and (c) in locations that do not obstruct vehicular, bicycle or pedestrian movement paths 	<p>Can comply. End of trip facilities will be required as per the QDC MP4.1 – Sustainable buildings. Impose advice statement on decision notice as the QDC is regulated under the Building Act 1975.</p>
<p>PO11 Access driveways are designed and constructed to:</p> <ul style="list-style-type: none"> (a) provide convenient access to the site and maintain the safety and efficiency of the road (b) minimise conflicts with traffic and pedestrians, and (c) are constructed to a standard that is appropriate to the location and to meet the anticipated volume and type of traffic 	<p>Can comply, further assessment as Op Works stage. Access to the Supermarket will be via three locations on the newly constructed Weegool Road and is to be designed, approved and constructed during the operational works stage.</p>
<p>PO12 (a) Vehicle movement areas (including internal driveways, access aisles, manoeuvring areas, parking areas (car and bicycle) and service bays) are designed to ensure:</p> <ul style="list-style-type: none"> i) a gradient appropriate for the type of vehicles ii) a surface suitable for the proposed use iii) effective stormwater drainage iv) clearly marked and signed spaces v) convenience and safety for drivers and pedestrians, and 	

Assessment Benchmark	Officers Assessment
vi) adequate dimensions to meet user requirements, including access and egress for emergency vehicles.	
<p>PO13</p> <p>Footpaths provide pedestrian and bicycle access to the site, which is designed to:</p> <ul style="list-style-type: none"> (a) provide safe movement; (b) avoid unnecessary conflict between pedestrians, bicycles and motor vehicles; (c) include durable and stable materials; and (d) match any adjacent footpath 	<p>Can comply</p> <p>Footpaths are to be conditioned for the full length of the Weegool Road reserve and connected into the Kirkwood Road / Weegool Road / Dixon Drive signalised intersection.</p>
<p>PO14</p> <p>Pedestrian access to buildings:</p> <ul style="list-style-type: none"> (a) does not obstruct pedestrian movement (or form physical clutter) on public footpaths (b) are not visually overbearing (or form visual clutter) in the streetscape, and (c) provide safe, efficient, equitable and convenient access including wheelchair access. 	<p>Complies</p> <p>The development plans demonstrate clear footpath and pedestrian routes from the car park and internal footpath network. Detailed design will be considered in the operational works stage.</p>
<p>PO21</p> <p>Development:</p> <ul style="list-style-type: none"> (a) minimises waste generation (including construction, demolition and operational waste) (b) provides adequate facilities on-site for the storage of waste and recyclables. 	<p>Can comply, with conditions</p> <p>The development plans demonstrate refuse bin storage will be located near the loading bay for the Supermarket. A Waste Management Plan will be conditioned to be in accordance with the <i>Waste Management Planning Scheme Policy of the Gladstone Regional Council Planning Scheme</i>.</p>
<p>PO22</p> <p>Development is designed to allow for safe and efficient servicing of waste and recycling containers through:</p> <ul style="list-style-type: none"> (a) a development layout that is designed to facilitate direct and unobstructed servicing of waste and recycling containers, and (b) minimising the potential for nuisances to be caused by way of noise and odour. 	
<p>PO23</p> <p>Stormwater management systems:</p> <ul style="list-style-type: none"> (a) implement water sensitive urban design (WSUD) principles that: <ul style="list-style-type: none"> i) protect natural systems and waterways ii) allow for the detention of stormwater instead of rapid 	<p>Complies</p> <p>Council's development engineer has confirmed the development can be serviced with internal stormwater infrastructure and discharge to the lawful point of discharge being Carthurbie Creek. The site-based stormwater management plan, Flooding and Stormwater Management plan prepared by</p>

Assessment Benchmark	Officers Assessment
<p>conveyance</p> <ul style="list-style-type: none"> iii) minimise impervious areas iv) utilise stormwater to conserve potable water v) integrate stormwater treatment into the landscape <p>(b) ensure water quality values are protected where privately owned must be maintained (including costs) for the life of the system</p> <p>(c) provide for safe access and maintenance</p> <p>(d) maintain natural drainage lines and adequate filtering and settlement of sediment for the protection of watercourses, coastal wetlands and beaches from point source and nonpoint source stormwater discharges, and</p> <p>(e) are designed to minimise ongoing maintenance costs</p>	<p>Cardno in 2015, and the Climate Change Flood Assessment prepared by WMS Engineering, has demonstrated the proposed development's design achieves compliance with PO5 and PO6 for stormwater management.</p>
<p>PO32</p> <p>Development:</p> <ul style="list-style-type: none"> (a) supports a road hierarchy which facilitates efficient movement of all transport modes including public transport, and (b) appropriately integrates and connects with surrounding movement networks. 	<p>Will comply, conditions.</p> <p>Weegool Road is identified as a 2 Lane Distributor Road on the Road Hierarchy mapping. Council's Development Engineers have accepted the submitted Traffic Impact Assessment (TIA) which identifies the development as requiring the Kirkwood Road / Weegool Road / Dixon Drive four way signalised intersection upgrade with pedestrian access four-way consistent with the Preliminary Approval DA/1008/2014 requirements and the Plans for Trunk Infrastructure in the LGIP. A condition is to be imposed to require Weegool Road, currently located in an easement, is to be dedicated to Council for road reserve at no cost to Council.</p>
<p>PO33</p> <p>Development enhances connectivity between existing and future public passenger transport facilities and other transport modes through:</p> <ul style="list-style-type: none"> (a) providing direct linkages for passengers between existing and future public passenger transport facilities and other transport modes, and (b) way-finding information for existing public transport facilities and interconnecting transport modes. 	<p>Complies, with conditions.</p> <p>The submitted TIA identifies 5 taxi/set down bays to form part of the car parking rate. It is acknowledged the preliminary approval DA/1008/2014 requires two bus stops within proximity to the Weegool Road / Kirkwood Road intersection.</p> <p>Due to the Supermarket being a separate application, and Weegool Road construction forming part of this application, the bus stops will need to be delivered as part of this development.</p>
<p>PO34</p> <p>Development provides direct, safe and equitable access to and use of public passenger transport facilities.</p>	

Local Government Infrastructure Plan:

Assessment Benchmark	Officers Assessment
Part 4: Local Government Infrastructure Plan	<p>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. Via the common material and external review of the Need and Economic Impact Assessment, the proposal has demonstrated its ability to fulfil a community, planning and economic need thereby justifying development. As such, it is considered that the proposal complies in part with the Local Government Infrastructure Plan.</p> <p>As per the Plans for Trunk Infrastructure within Schedule 3 of the Planning Scheme, the proposal requires the construction of two trunk infrastructure items:</p> <ul style="list-style-type: none"> • Weegool Road (Kirkwood Road to Carthurbie Creek), map reference R-KIR-003, estimated timing 2027 and establishment cost (\$2014) \$996,000, and • Kirkwood Road / Dixon Drive intersection upgrade (signals), map reference R-KIR-001, estimated timing 2019 and establishment cost (\$2017) \$7,700,000. <p>To ensure that this is enshrined within the approval, conditions have been recommended noting that this is trunk infrastructure in accordance with s128(1) of the <i>Planning Act 2016</i>. The Infrastructure Charges Notice has also been notated to reflect this in the offsets and refunds section.</p> <p>The applicant has had preliminary discussions with Development Services around the process relating to a potential Infrastructure Agreement (IA) for the delivery of the trunk infrastructure. Therefore, it is expected that once the development permit is active, the applicant will begin the IA process with Council.</p>

Variation Approval: 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)

- As currently approved, the proposed Shop (Supermarket) is in conflict with Preliminary Approval DA/1008/2014 which makes a supermarket an inconsistent use within the KRCCC.
- However, the proposed Change Application (Other) to the preliminary approval is being assessed concurrently and introduces a new land use being Shop (Supermarket). The change application amends the Plan of Development and Development Code to reflect the proposed Supermarket with consistent plans, building footprint, carpark, access and infrastructure requirements.
- The change application is consistent with the design and proposed delivery of the Supermarket under a standalone application.
- The change application is being recommended for approval in a concurrent and consistent approach to this subject development application.
- As such, there are no conflicts with DA/1008/2014 as proposed to be amended.

Relevant Approval: 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 estate as well as the upgrades of Kirkwood Road and Weegool Road. As such, all conflicts have been responded to.

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) Section 6.5 of the Gap Analysis Report, by Reel Planning as part of Council's Planning Scheme Reviewed, dated 12 June 2024 provided the following commentary around a second supermarket in the Kirkwood District Centre:
 - i. *'This District Centre is well located in an emerging residential community and should expand by another 4,000m², accommodating a second supermarket. Figure 1.2 shows that there are no vacant centre zoned lands to accommodate this expansion. However, aerial photography indicates that there are vacant residential zoned lands adjoining this centre, which should be developed for centre purposes.'*
 - ii. This statement is referring to Lot 912 on SP281138 (Dixon Drive) which is adjacent to the South of the current Centre zoning.
 - iii. Whilst the development site is not the property referred to in the Gap Analysis Report, Council supports locating the proposed Supermarket within the existing preliminary approval for the Kirkwood Road Commercial Centre. By locating the Supermarket in an already approved commercial centre, it avoids the loss of existing zoned residential land for the planning need for a second supermarket in the vicinity of the Kirkwood District Centre.
- b) There is demonstrated community and economic need for the development in the Kirkwood locality, and the broader Gladstone urban area.

INFRASTRUCTURE CHARGES NOTICE

Planning Act 2016 and Local Government Act 2009

Application Number:	DA/54/2025
Applicant Name:	Kirkwood LFR Development Pty Ltd (ACN: 683 516 592) ATF Kirkwood LFR Development Trust (ABN: 92 966 344 969)
Applicant Address:	123 Eagle Street BRISBANE CITY QLD 4000

Land to which the Levied Charge Applies

Property Address:	Lot 2 Kirkwood Road, Kirkwood QLD 4680
Property Description:	Lot 2 on SP341685

Development to which the Levied Charge Applies

Planning Scheme:	Gladstone Regional Council Planning Scheme Version 2.0
Development:	The levied charge applies to the following development type: Development Permit for a Material Change of Use for Sop (Supermarket)

Amount of the Levied Charge

The levied charge has been calculated in accordance the Gladstone Regional Council Adopted Infrastructure Charges Resolution (No 1) – 2015 Amendment No.3, the *Planning Act 2016* and the *Planning Regulation 2017*.

Levied Charge Calculation – Material Change of Use – Non-Residential

Adopted Infrastructure Charge Category	Adopted Infrastructure Charge	Demand Units	No. of Demand Units	Gross Levied Charge Amount
Commercial (Retail)	\$141.55 <i>Charge Area 1</i>	Per m ²	3,992	\$565,067.60
Gross Levied Charge Amount Total				\$565,067.60

Applied Credit Calculation

Adopted Infrastructure Charge Category	Credit Unit	Value of Credit Unit	No. of Credit Units	Applied Credit Amount
Per lot	Per lot	\$28,311.20 <i>Charge Area 1</i>	1	\$28,311.20
Applied Credit Amount Total				\$28,311.20

Net Levied Charge Summary

Gross Levied Charge Amount Total	Applied Credit Amount Total	Net Levied Charge Amount
\$565,067.6	\$28,311.20	\$536,756.40

Net Levied Charge Amount - \$536,756.40 (total amount owing + Annual adjustments)

Offsets and Refunds

No offsets or refunds are applicable to this application or calculation of applicable levied charges.

Adjustments to the Levied Charge

The amount of the levied charge is fixed for twelve (12) months from the date of this infrastructure charges notice. After twelve (12) months, the amount of the levied charge is subject to automatic increases in accordance with Council's Adopted Infrastructure Charges Resolution (No 1) – 2015 Amendment No.3.

The automatic increase is worked out using the PPI (Road & Bridge Construction Index – Queensland, index 3101), adjusted to the 3-yearly PPI moving average quarterly percent change, for the period:

- 1) starting on the day the levied charge was levied; and
- 2) ending on the day the levied charge is paid.

Due date for payment of Levied Charge

If the levied charge applies to a Material Change of Use – payment of the total levied charge must be made before the change happens. To remove any doubt, payments may be staged in accordance with staging detailed in the levied charge above.

Payment Details

Payment of the levied charge must be made to Gladstone Regional Council. Payment can be made by one of the following methods:

In Person (<i>cash, cheque, EFTPOS</i>)	Visit one of Council's Customer Service Centres: 1) Agnes Water Rural Transaction Centre - 71 Springs Road, Agnes Water QLD 4677 2) Boyne Tannum Community Centre - Cnr Wyndham & Hayes Avenues, Boyne Island QLD 4680 3) Calliope Library and Transaction Centre - 3 Don Cameron Drive, Calliope QLD 4680 4) Gladstone Office - 101 Goondoon Street, Gladstone QLD 4680 5) Miriam Vale – 41 Blomfield Street, Miriam Vale QLD 4677 6) Mount Larcom - 47 Raglan Street, Mount Larcom QLD 4695
Phone (<i>credit card only</i>)	Phone 07 4970 0700
Post (<i>cheque only</i>)	Post a cheque with a cover letter referencing DA/54/2025 to: Gladstone Regional Council, PO Box 29, Gladstone Qld 4680
Council does not offer Bpay for this payment and does not accept American Express or Diners Club credit cards.	

Good and Services Tax

The federal government has determined that rates and utility charges levied by a local government is GST free and accordingly, no GST is included in this infrastructure charges notice.

Failure to Pay Levied Charge

In accordance with section 144(1) of the *Planning Act 2016*, a levied charge under this infrastructure charges notice is, for the purpose of its recovery, taken to be rates of the local government. Compound annual interest is to be applied on an overdue levied charge.

Lapsing of Levied Charge

In accordance with section 119(11) of the *Planning Act 2016*, this infrastructure charges notice will lapse if the development approval to which it relates stops having effect.

Appeal Rights

In accordance with section 121(3)(b) of the *Planning Act 2016*, an extract from the *Planning Act 2016* is attached stating any appeal rights the recipient has relating to this Infrastructure Charges Notice.

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
Site Plan – Supermarket	A-2.11, rev. 3	Thomas Adsett	26-05-2025
Ground Plan – Supermarket	A-2.12, rev. 6	Thomas Adsett	26-05-2025
Roof Plan	A-2.21, rev. 6	Thomas Adsett	26-05-2025
Climate Change Flood Assessment	Ref 11039-L02	WMS	29 September 2025
Traffic Impact Assessment	Ref 25099, version 2	Rytenskind Traffic Engineering	1 October 2025
Bushfire Hazard Assessment and Management Plan	S525072_BHAMP_V1.2	S5 Environmental	27 May 2025
Bushfire and Ecology Report – Response to information request	S525072_RFIR_V1.1	S5 Environmental	29 August 2025
Ecological Assessment Report	S525072_EAR_V1.2	S5 Environmental	27 May 2025
Ecological Response to Information Request	S525072_RFIR_V1.1		5 December 2025

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

Plan/ Document Name	Drawing Number	Prepared by	Date
Site Based Stormwater Management Plan	25100	Bornhorst + Ward	May 2025
Elevations	A-3.01, rev. 6	Thomas Adsett	26-05-2025
Sections	A-4.01, rev. 6	Thomas Adsett	26-05-2025

Condition	Timing
<p>1) Carry Out the Approved Development</p> <p>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).</p>	At all times.
<p>2) Amended Plan(s) and/or Document(s) Required</p> <p>a) Submit amended plans(s) and/or documents(s) which incorporating the following:</p> <p>i) Sections and Elevations (2) and (3) of the external building facades provided with public art/murals. The public art/murals are to cover a minimum of 50% for Elevation 2 and 70% for Elevation 3 of the building façade and pay tribute to the Gladstone Region; and</p> <p>ii) Site Based Stormwater Management Plan which removes reference to Catchment B Bio Basin which is in the Weegool Road corridor and</p>	Prior to any lodgement of any application for operational works.

Condition	Timing
<p>details of stormwater drainage to the Western and Northern catchments.</p>	
<p>3) Entry statement</p> <p>Submit a plan for approval, illustrating a defined entry statement/private art piece located along the Weegool Road frontage of the site which incorporates a range of colours, materials and landscaping treatments, creating a unique design outcome with a defined theme.</p>	<p>Prior to the lodgement of the first Development Application for Operational Works.</p>
<p>4) Damage to Infrastructure and Land</p> <p>Notify Council immediately if any Council infrastructure or land is damaged as a result of construction activities occurring and have it repaired, replaced or reinstated at no cost to Council.</p> <p>Pre and post development condition of Council infrastructures abutting the development including the ones that may be impacted by the development activities must be recorded with photographic evidence and must be submitted to Council when requested.</p>	<p>At all times during construction.</p>
<p>5) Operational Works – Development Permit</p> <p>a) Submit a combined 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> for the following:</p> <ul style="list-style-type: none"> i) Water; ii) Sewerage; iii) Roadworks; iv) Access and Car Parking; v) Landscaping; vi) Stormwater; vii) Vegetation clearing; and viii) Earthworks. <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.</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>
<p>6) Screening of Plant Areas</p> <p>Plant and equipment (including air conditioners and exhaust fans and the like) are not to be visible from the street frontage.</p>	<p>As part of construction.</p>
<p>7) External Lighting</p>	

Condition	Timing
<ul style="list-style-type: none"> a) Construct all outdoor lighting in accordance with <i>AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting</i>; and b) Construct all pedestrian lighting in accordance with <i>AS/NZS 1158.3.1:2020 Lighting for Roads and Public Spaces - Pedestrian area (Category P) lighting – Performance and Design Requirements</i>; and c) Construct all ground level lighting 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 sites. 	As part of construction.
<p>8) Water Infrastructure</p> <ul style="list-style-type: none"> a) Submit a Civil Engineering Strategy for Water Supply, which includes: <ul style="list-style-type: none"> i. Water 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/1008/2014 and DA/10762/2008); and ii. Water augmentation drawings. b) Augment the existing water main located at Kirkwood Road/Dixon Drive through the full frontage of the site within the Weegool Road corridor as per recommendations of the approved Civil Engineering Strategy and the <i>Engineering Design Planning Scheme Policy</i>; and c) Construct a water service connection, from the new water main within the Weegool Road corridor, to the Supermarket site north of the Weegool Road reserve front property boundary; and d) Connections to Council’s live water reticulation network must be carried out by Council at the Applicant’s cost. 	<p>As part of the lodgement of a Development Application for Operational Works.</p> <p>As part of construction.</p>
<p>9) Sewerage Infrastructure</p> <ul style="list-style-type: none"> a) Submit a Civil Engineering Strategy for Sewerage, which includes: <ul style="list-style-type: none"> i. Sewerage 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/1008/2014 and DA/10762/2008); and ii. Sewerage augmentation drawings. iii. 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. b) Augment the existing sewer main currently located at Dixon Drive through the full frontage of the site within the Weegool Road corridor as per recommendations of the approved Civil Engineering Strategy and the <i>Engineering Design Planning Scheme Policy</i>. c) Construct all sanitary drainage to drain into a new privately owned maintenance hole within the development site, before connection to Council’s sewerage infrastructure. The location and size of the sewer service is to be determined in consultation with Council as part of Operational Works; and d) Connections to Council’s live sewerage network must be carried out by Council at the Applicant’s cost. 	<p>As part of the lodgement of a Development Application for Operational Works.</p> <p>As part of construction.</p>
<p>10) Stormwater Management</p>	

Condition	Timing												
a) Submit a revised Site Based Stormwater Management Plan 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> .	As part of any application for operational works.												
b) Implement the requirements and recommendations of the Site Based Stormwater Management Plan.	At all times.												
c) Maintain the Catchment C Bio Basin to achieve the <i>State Planning Policy 2017 – Water Quality</i> .	At all times.												
<p>11) Necessary Trunk Infrastructure – LGIP Identified</p> <p>Construct the described necessary trunk infrastructure (LGIP identified) to the specified standard as per the Local Government Infrastructure Plan.</p> <table border="1" data-bbox="263 779 1145 1205"> <thead> <tr> <th data-bbox="263 779 475 846">Necessary trunk infrastructure</th> <th data-bbox="475 779 699 880">LGIP infrastructure item</th> <th data-bbox="699 779 922 880">LGIP infrastructure map reference</th> <th data-bbox="922 779 1145 880">Desired standard of service</th> </tr> </thead> <tbody> <tr> <td data-bbox="263 880 475 1104">Road</td> <td data-bbox="475 880 699 1104">Weegool Road (Kirkwood Road to Carthurbie Creek) – New road (provide two lane Distributor Road)</td> <td data-bbox="699 880 922 1104">R-KIR-003</td> <td data-bbox="922 880 1145 1104">Per Section 4.2.4.4 of LGIP</td> </tr> <tr> <td data-bbox="263 1104 475 1205">Intersection Upgrade (Signals)</td> <td data-bbox="475 1104 699 1205">Kirkwood road / Dixon Drive</td> <td data-bbox="699 1104 922 1205">R-KIR-001</td> <td data-bbox="922 1104 1145 1205">Per Section 4.2.4.4 of LGIP</td> </tr> </tbody> </table> <p>This condition is imposed under section 128(1) of the <i>Planning Act 2016</i>.</p> <p><i>Advisory Note: R-KIR-003 is notated as a Collector Road within the LGIP however is to be constructed as a Distributor Road standard.</i></p>	Necessary trunk infrastructure	LGIP infrastructure item	LGIP infrastructure map reference	Desired standard of service	Road	Weegool Road (Kirkwood Road to Carthurbie Creek) – New road (provide two lane Distributor Road)	R-KIR-003	Per Section 4.2.4.4 of LGIP	Intersection Upgrade (Signals)	Kirkwood road / Dixon Drive	R-KIR-001	Per Section 4.2.4.4 of LGIP	<p>As part of construction and prior to commencement of use.</p>
Necessary trunk infrastructure	LGIP infrastructure item	LGIP infrastructure map reference	Desired standard of service										
Road	Weegool Road (Kirkwood Road to Carthurbie Creek) – New road (provide two lane Distributor Road)	R-KIR-003	Per Section 4.2.4.4 of LGIP										
Intersection Upgrade (Signals)	Kirkwood road / Dixon Drive	R-KIR-001	Per Section 4.2.4.4 of LGIP										
<p>12) Necessary Trunk Infrastructure – Land (Distributor Road)</p> <p>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 lodgement of an application for survey plan endorsement and prior to commencement of use.</p>												
<p>13) Roadworks</p> <p>Construct the road network in accordance with the <i>Engineering Design Planning Scheme Policy</i> of the <i>Gladstone Regional Council Planning Scheme</i> as prescribed below:</p> <p>a) Weegool Road (2 Lane Distributor Road) in accordance with Council’s <i>Standard Drawing CMDG-R-013 - Type Cross Section - Major Urban Collector/Distributor</i>;</p>	<p>As part of construction.</p>												

Condition	Timing
<ul style="list-style-type: none"> 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>; c) No parking provided; d) An uninterrupted raised median at least 2m wide; e) Speed control devices and threshold intersection treatments in accordance with the <i>Capricorn Municipal Development Guidelines – Geometric Road Design D1 Design Guideline</i>; and f) Bus stop bays on Weegool Road in accordance with the <i>Capricorn Municipal Development Guidelines – Geometric Road Design D1 Design Guideline</i>; and g) 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 h) 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>14) On-Site Car Parking Requirements</p> <ul style="list-style-type: none"> a) Construct and make available a minimum of 190 on-site car parking spaces; and b) Construct all car parking spaces, circulation areas and speed control devices to be imperviously sealed, drained, line marked and designed to allow all vehicles to drive forwards when entering and leaving the property in accordance with <i>AS/NZS 2890.1:2004 Parking facilities – Off-Street Car Parking</i> and <i>AS 2890.6:2022 Parking Facilities - Off-Street Parking for People with Disabilities</i> and the <i>Engineering Design Planning Scheme Policy</i> of the <i>Gladstone Regional Council Planning Scheme</i>. 	<p>As part of construction and at all times.</p>
<p>15) On-Site Bicycle Parking Requirements</p> <ul style="list-style-type: none"> a) Construct and make available a minimum of 20 on-site bicycle parking spaces within 30m walking distance of the front door of the development; and b) Ensure construction is in accordance with <i>AS2890.3-2015 Parking Facilities Bicycle Parking</i>. 	<p>As part of construction and at all times.</p>
<p>16) Waste Management Plan</p> <ul style="list-style-type: none"> a) Submit a Waste Management Plan for approval in accordance with the <i>Waste Management Planning Scheme Policy of the Gladstone Regional Council Planning Scheme</i>. 	<p>Prior to commencement of use.</p>
<ul style="list-style-type: none"> b) Implement the Waste Management Plan. 	<p>At all times.</p>
<p>17) Refuse Bins</p> <p>Install refuse bins in accordance with <i>Table SC6.7.3.2 of Schedule 6.7 Waste Management</i> of the <i>Waste Management Planning Scheme Policy of the Gladstone Regional Council Planning Scheme</i>.</p>	<p>As part of construction and at all times.</p>
<p>18) Waste Storage Areas</p> <ul style="list-style-type: none"> a) Construct a 1.8m high fence and waste storage area of a sufficient size to house all waste collection containers. These are to be imperviously paved with a hose cock and hose fitted for cleaning purposes; and b) Waste storage areas are not to be visible from the road frontage. 	<p>As part of construction and at all times.</p>

Condition	Timing
<p>19) Landscaping Plan</p> <p>a) Submit a Landscaping Plan prepared by a Landscape Architect to:</p> <ul style="list-style-type: none"> i) Be generally in accordance with the <i>Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification</i>; and ii) Provide a minimum 2m wide landscape buffer along the northern and western boundaries of the development site; and iii) Identify the landscape works to be carried out; and iv) Include the plant schedule detailing the number of plants, species, pot size and height at planting; and v) Include details of soil and mulch types, including depths, areas of turf, garden edges and paving finishes; and vi) 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; and vii) Include planting of street trees within road reserve at a minimum rate of 1 per 10m of frontage; and viii) Include details of the proposed irrigation system; and ix) Include details and specifications for any disturbed areas such as turfing of the verge and weed eradication and grassing internally; and x) Includes fencing details of the Western and Northern boundaries having a height no less than 2m. 	<p>As part of any application for operational works.</p>
<p>b) Construct the landscaping in accordance with the approved Landscaping Plan.</p>	<p>As part of construction.</p>
<p>20) Shade Trees for Car Parking</p> <p>Where car parking areas are open air with no shade structures, construct trees within the designated vehicle parking area at a rate of 1 tree per 6 vehicle parking spaces in accordance with the <i>Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification</i>.</p>	<p>As part of construction.</p>
<p>21) Street Trees</p> <p>Construct street trees at a rate of 1 tree per 10m along the Weegool Road frontage with species in accordance with the <i>Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification</i>.</p>	<p>As part of construction.</p>
<p>22) Treatment of Retaining Walls</p> <p>Retaining walls which are visible from the road reserve, must receive a surface treatment such as rendering or cladding to maintain the visual amenity of the streetscape. The treatments must complement with the proposed colour pallet of the building.</p>	<p>As part of operational works.</p>
<p>23) Specific Bushfire Hazard Assessment</p> <p>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 	<p>Prior to the issue of Form 21 Final Inspection Certificate and at all times.</p>

Condition	Timing
<p>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> <ul style="list-style-type: none"> 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 2m; v) Tree limbs and branches must be removed up to 2m 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. <p>c) landscaping and detention basins within 100m of hazardous vegetation:</p> <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. <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>24) Biodiversity</p> <ul style="list-style-type: none"> a) Provide a full updated site plan 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. 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 any development application for operational works.</p> <p>As part of construction and at all times.</p>

ASSESSMENT MANAGER ADVICE

Assessment Manager's Advice	
1) Other Licences / Approvals	<p>Obtain a Trade Waste Permit to discharge trade waste to the Sewer in accordance with <i>Councils Trade Waste Management Plan</i>.</p> <p>Obtain a Food Business Licence in accordance with the <i>Food Act 2006</i>.</p>
2) Biosecurity	<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) Council Forms, Policies and Standards	<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) Contaminated Land	<p>It is strictly the applicant/owner's responsibility to source information regarding contaminated land from the Department of Environment and Heritage Protection as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.</p>
5) Cyclone Watch Site Management	<p>All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council, prior to commencement of works.</p>
6) Dust Control	<p>It is the Applicant/Owner's responsibility to ensure compliance with section 319 General Environmental Duty of the <i>Environmental Protection Act 1994</i>, and to implement all reasonable and practicable measures to prevent or minimize environmental harm, including but not limited to harm caused by dust, ash, fumes, light, odour or smoke, emanating beyond the boundaries of the development site during all stages of the development including earthworks and construction stages.</p>
7) Environmental Nuisance	<p>Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the <i>Environmental Protection Act 1994</i> to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i>.</p> <p>It is the Applicant and Owners responsibility to ensure compliance with Section 440R of the <i>Environmental Protection Act 1994</i>, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.</p>
8) General Safety of Public During Construction	

Assessment Manager's Advice

It is the principal contractor's responsibility to ensure compliance with Section 19 (2) of the *Work Health and Safety Act 2011*. Section 19 (2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 20 (2) of the *Work Health and Safety Act 2011*. Section 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

9) Infrastructure Charges Notice

A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The amount in the Infrastructure Charges Notice has been calculated according to Council's Adopted Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Council for review of the charge amount prior to payment. The time when payment is due is contained in the Infrastructure Charges Notice.

10) Local Laws

The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.

11) Native Wildlife

Prior to any vegetation damage, an inspection to determine the possible presence of native wildlife and animal breeding places must be undertaken by a suitably qualified and experienced spotter/catcher. The assessment must include the identification of any breeding places for any Endangered/Vulnerable or Near Threatened animal species, special least concern or colonial breeding species prior to the removal of any trees and/or vegetation as per the requirements of section 332 of the *Nature Conservation (Wildlife Management) Regulation 2006* (Qld). The Department of Environment, Tourism, Science and Innovation must be contacted where any Endangered, Vulnerable or Near Threatened native wildlife is found to be present in any area subject to works.

12) Noise During Construction and Noise in General

It is the Applicant/Owner's responsibility to ensure compliance with chapter 8, part 3B of the *Environmental Protection Act 1994*.

13) Removal of Protected Vegetation

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:

- a) Environment Protection and Biodiversity Conservation Act 1999 (Cth); and
- b) Nature Conservation Act 1999 (Qld); and
- c) Vegetation Management Act 1999 (Qld).

For further information see: <https://www.qld.gov.au/environment/land/management>

14) Sedimentation Control

Assessment Manager's Advice	
	It is the Applicant/Owner's responsibility to ensure compliance with Chapter 8, Part 3C of the <i>Environmental Protection Act 1994</i> to prevent soil erosion and contamination of the stormwater drainage system and waterways.
15)	<p>Plumbing and Drainage Works</p> <ol style="list-style-type: none"> 1) 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 2) Obtain a final inspection certificate certifying all relevant plumbing and drainage works have been completed in accordance with the relevant code requirements.
16)	<p>Building Over or Adjacent Infrastructure</p> <p>Comply with the <i>Queensland Development Code MP1.4 – Building Over or Near Relevant Infrastructure</i> and Council Policy <i>P-2023/11 Building Over or Adjacent to Council Infrastructure</i></p>
17)	<p>Building Work</p> <ol style="list-style-type: none"> 1) Obtain a development permit for building work in accordance with the <i>National Construction Code</i>, the <i>Building Act 1975</i> and the <i>Planning Act 2016</i>. 2) Obtain a <i>Form 21 Final Inspection Certificate</i> certifying the work has been completed.
18)	<p>End-of-trip facilities</p> <p>Comply with the <i>Queensland Development Code MP4.1 – Sustainable buildings</i> for end of trip facilities.</p>
19)	<p>Access Easement Weegool Road</p> <p>Notify Council to extinguish Easement A in Lot 301 on SP118590 upon request of 'on-maintenance' for the Operational Works associated with the construction of Weegool Road and the signalised intersection at Weegool Road and Kirkwood Road.</p>

STATEMENT OF REASONS

Application Number:	DA/54/2025
Proposal:	Material Change of Use for Shop (Supermarket)
Property Address:	Lot 2 Kirkwood Road, Kirkwood QLD 4680
Property Description:	Lot 2 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.

The above development application was approved in full with conditions.

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) As part of Council’s Planning Scheme Review carried out in 2024, a second supermarket in the Kirkwood District Centre was a recognised need for the community yet no vacant centre zoned land is available to accommodate this expansion; and
- b) there is a demonstrated community and economic need for the development.

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.

Matter raised submissions	Description of how matters were dealt with in reaching the decision
The Economic Impact Assessment has clear failures in the establishment of a defined catchment and the economic impacts.	<p>Council’s independent peer review of the applicant’s Need and Economic Impact Assessment (NEIA), by Norling Consulting, recognised the large catchment area yet exclusion of the majority of Gladstone’s full-line supermarkets from the economic impacts assessment. Council issued a further advice notice requesting the applicant provide further detail on the economic impacts to the existing supermarkets. The applicant responded with clarification from Deep End Services letter dated 4 December 2025 on how the applicant’s submitted NEIA has clearly identified the reason for the catchment area and the estimated economic impacts and the report’s methodologies.</p> <p>The applicant’s submitted NEIA and subsequent documentation from Deep End Services clearly identifies and justifies the economic impacts of the proposed Coles Supermarket.</p>
There is no economic need, as the Economic Impact Assessment incorrectly suggests that there is an economic need for the proposed development that couldn’t otherwise be satisfied by existing suitably zoned land.	Council commissioned an independent peer review of the applicant’s NEIA, the two properly made submissions and the applicant’s response to the submissions prepared by Deep End Services. The review was carried out by Norling Consulting.
There is no planning need, as the land to the east within the Centre Zone can comfortably accommodate the suggested undersupply of supermarket floorspace.	The independent peer review confirmed there is a strong level of community need for a second Coles supermarket to be added to the Gladstone urban area.
Council should commission an independent peer review of the Economic Impact Assessment, to ensure that the development is not approved without proper assessment.	<p>The review also concluded there is a moderate level of economic need for a Coles supermarket to be added to the trade area with the level increasing to strong by 2030 as population grows.</p> <p>The independent review acknowledged that if weight is given to the existing Glen Eden supermarket approval</p>

Matter raised submissions	Description of how matters were dealt with in reaching the decision
<p>If the independent peer review confirms the abovementioned issues, application should be refused on the basis that there is no need.</p>	<p>the planning need is low. If no weight is given to it, then the planning need is moderate as a current need and increasing to strong in 2030. The Glen Eden supermarket approval is due to lapse on 19 June 2027. There is insufficient evidence that the Glen Eden supermarket approval (DA/505/2012) will progress to construction phase as no subsequent operational works approvals have been pursued by the developer during its currency period. Furthermore, the approved size, and the site limitations, confirms that the Glen Eden site does not provide the ability for a modern full-line supermarket and supporting shops/services. The independent review confirmed there is merit in discounting the Glen Eden supermarket approval from the planning need assessment.</p> <p>Overall, the proposed development is not expected to adversely affect the centre network.</p>
<p>The proposal is an inappropriate expansion of the Kirkwood Road Centre and is an inconsistent land use.</p>	<p>The applicant's submitted NEIA and Council's independent peer review has demonstrated there is no alternative location in existing Centre zoning to support a full-line supermarket with a modern floor size. This coupled with the demonstrated community need for a second Coles supermarket in the Gladstone urban area demonstrates the site is a suitable location for the development. This conclusion has considered the existing Kirkwood Road Centre's inability to provide sufficient developable area for a new full-line supermarket.</p> <p>Under the current Preliminary Approval, the KRCCC does not support a supermarket use. However, the Other Change application proposes to change the KRCCC to support a Supermarket developed on site. The assessment of the Other Change supports this change, based on the NEIA and Council's independent review. Therefore, the proposed Supermarket under this development application is not an inconsistent land use within the KRCCC.</p>
<p>The proposal is inconsistent with 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).</p>	
<p>The application material does not clearly outline the intended sequencing of works required for construction.</p>	<p>The development application is for a single land use being the Coles Supermarket to be constructed in one stage. Extensive infrastructure (Weegool Road and upgrade to the signalised intersection) is required to be constructed for the Supermarket, also required under the Preliminary Approval DA/1008/2014. This application is to be conditioned consistently with the Other Change application to the Preliminary Approval to ensure that whichever development occurs first, the Weegool Road and intersection upgrade occurs prior to commencement of the first material change of use.</p>

Matter raised submissions	Description of how matters were dealt with in reaching the decision
<p>The proposal does not provide sufficient information with respect to providing architectural merit nor have the plans provided sufficient detail for Council to consider how the development will operate post construction.</p>	<p>The development's design and functionality can be supported by the planning scheme and is further compliant with the preliminary approval (DA/1008/2014) Kirkwood Road Commercial Centre Code requirements. The building addresses Kirkwood Road, the car park and pedestrian access areas with a large awning/covered pedestrian area and glass entrance.</p> <p>A condition is imposed for the applicant to provide amended elevation plans (elevation 2 and 3) with public art/murals to the building façade and to pay tribute to the Gladstone Region. This will reduce bulk and scale of the large supermarket walls that have minimal articulation.</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](#).