

9 December 2019

GLADSTONE | GOLD COAST

Chief Executive Officer
Gladstone Regional Council
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Dear Madam,

**REQUEST - INFRASTRUCTURE CHARGES REBATE SCHEME POLICY
DEVELOPMENT PERMIT (DA/29/2019)
MATERIAL CHANGE OF USE FOR NATURE BASED TOURISM
1086 COAST ROAD, BAFFLE CREEK
LOT 2 RP 617484**

We write on behalf of our clients, Mr. Kenton Bowden & Mrs. Kathryn Dupuy-Bowden, in lodging this request to be considered for approval under Councils *'Infrastructure Charges Rebate Scheme Policy'* for a 50% reduction in infrastructure charges levied for the above mentioned Nature Based Tourism approval. It is noted that this Policy was adopted by Council on 19 November 2019 and replaces the *'Infrastructure Charges Economic Development Incentive Scheme Policy'* which had originally been put in place by Council on 3 July 2018.

APPLICATION DETAILS

The development approval the subject of this request is for the following aspects of development:

- Development Permit for a Material Change of Use for Nature Based Tourism.

A Negotiated Decision Notice was received by Zone Planning Group on 11 November 2019, following a request to make representations in relation to the original Decision Notice which was issued by Council on 22 August 2019. The relevant Adopted Infrastructure Charge Notice (ICN) was also issued on 22 August 2019. The development application was lodged with Council on 26 June 2019 and is therefore subject to infrastructure charges under Council's Adopted Infrastructure Charge Resolution (No. 1) 2015 – Amendment No. 2 (AICR) which commenced on 8 March 2017.

The AICR locates the subject site in Charge Area 6 (applies to rural/township areas in the south-east of the region) which is defined in the AICR as follows:

'Charge Area 6 – Rural and small rural townships (Miriam Vale surrounds) that can be serviced with transport and parks trunk infrastructure. These areas only contribute to the existing trunk infrastructure.'

The subject site is situated with frontage to a sealed defined Rural Collector Road (Coast Road), approximately 60km south-east of the township of Miriam Vale, and is located on the banks of Baffle Creek. As suggested in the AICR definition, the subject site only places demand on two (2) of Council's

four (4) infrastructure networks, being transport and parks networks. Note that water, sewer and stormwater must be managed on-site due to the rural location and lack of infrastructure availability.

The total liability under the ICN issued by Council is \$26,700.

PURPOSE OF THE POLICY

This request is being made to Council from the perspective that the broader purpose of the Policy is to promote development activity in the region, and despite the land use itself not being locationally aligned with the Scope of the Policy (not located in a Priority Infrastructure Area and not located in a Township Zone) it is nonetheless a land use that is not an Excluded Use as defined within the Policy. It is actually a land use which promotes the area through providing an opportunity for tourists to visit a relatively unique part of our region. Our clients are not typical of some in the development sector, in that success with this venture will lead to moving onto other projects. They are motivated by a desire to share the environmental improvements they have undertaken on their property and at the same time bring some economic growth to the Baffle Creek area but are concerned the rising costs of doing so may hinder their plans. It is asked therefore that Council consider whether this request will progress the purpose of the policy and assist economic growth outcomes, regardless of any non-compliance with it.

The purpose of the policy is stated in section 1 of the Policy:

“The policy provides rebates on Levied Charges for developments proposing a Material Change of Use (other than for certain uses – ‘Excluded Use’), which deliver economic development and growth outcomes that align with Councils Economic Development Strategy and Planning Scheme.”

It is contended that this proposal clearly promotes economic development in the tourism sector, creating investment and employment in the area and is therefore consistent with the purpose of the policy.

SECTION 6.1 OF THE POLICY

Section 6.1 of the policy sets out the criteria for application of the policy, and each of the criteria is briefly commented on below:

Criteria 1 - Are lodged with Council after the 1 July 2018; with respect to applications lodged prior to the 1 July 2018, Council may in its sole discretion, consider Development Applications approved and not yet constructed, or Development Applications that have been lodged but not yet decided;

Comment

The development application was lodged with Council on 26 June 2019, and thus complies with this criterion.

Criteria 2 - Are for any land use as defined within SC1.1 Use definitions of the Our Place Our Plan Gladstone Regional Council Planning Scheme V2 other than an Excluded Use as defined herein;

Comment

The subject approval is for 'Nature Based Tourism' which is a listed land use within SC1.1 of the Gladstone Planning Scheme and is not a 'Excluded Use' under the policy. The proposal therefore meets this criterion.

Criteria 3 - Are proposed to be located within a Priority Infrastructure Area or Township Zone as defined in the Our Plan Our Plan Gladstone Regional Council Planning Scheme V2.

Comment

The subject site is not located within a Priority Infrastructure Area or a Township Zone and this criterion unfortunately precludes many developments which do bring the potential for economic development to the wider region from being specifically eligible to qualify for a rebate. There are numerous uses which clearly promote economic activity which are not listed in the Policy as an 'Excluded Use', and these uses would and could be approved under the planning scheme on land that is outside a PIA or a Township Zone. It is somewhat incongruous that a policy which nominates that it supports the provision of a rebate to a land use that can deliver economic development and growth outcomes to the region would then disqualify that land use from receiving a rebate due to its location. In fact, a nature based tourism use is not a use listed in any of the urban zones within a Priority Infrastructure Area or Township Zone.

SECTION 6.3 OF THE POLICY

It is also noted that section 6.3 of the Policy outlines the 'Rebate Conditions' which a development must meet. These conditions are as follows:

Condition 1 - Be completed within two years from when the Material Change of Use of Premises Development Permit starts to have effect;

Comment

It is the intention of our clients to commence operations in accordance with the conditions of approval as soon as possible. Compliance with this condition of the Policy should therefore not be an issue.

Condition 2 - If staged, the first stage be completed within two years of when the Material Change of Use of Premises Development Permit starts to have effect with all stages of the development being completed within four years of when the Material Change of Use of Premises Development Permit starts to have effect;

Comment

It is not proposed to stage the permitted development.

Condition 3 - Should these Rebate Conditions not be met then no reduction in the Levied Charges shall be applicable and the balance of the Levied Charges then outstanding shall be immediately due and payable.

Comment

It is intended to meet the Rebate Conditions so therefore this condition should not have to be invoked.

CONCLUSION

It is therefore respectfully submitted that this proposal does meet the purpose of the Policy even though it does not meet all the relevant Policy criteria, and that Council would be supporting the tenet of the Policy by approving this request in the interest of promoting economic activity in the area. The question could well be asked why if the same land use was approved within a Priority Infrastructure Area or a Township Zone it would be approved for a rebate while this proposal, but while still being a supported use in this location by the planning scheme, is not eligible for a rebate because it is not in either a Priority Infrastructure Area or a Township Zone. It is suggested Council should support this request in the interest of promoting economic activity in the Baffle Creek area. It is also noted that Council has already provided support to a similar application for a reduction in Infrastructure Charges under the previously existing Policy for a Nature Based Tourism development which was not located in a Priority Infrastructure Area, at 2546 Round Hill Road, Agnes Water (Council reference DA/32/2017). To show consistency in its decision making Council should undoubtedly support this current application as well.

Should you have any queries concerning the above please contact either Russell Schuler – Town Planner or the undersigned on (07) 4972 3831.

Yours sincerely,



STEPHEN ENDERS | DIRECTOR
ZONE PLANNING GROUP