

Contact Officer: Rhianne McMullen-Legdin  
Our Ref: DA/50/2019

14 July 2020

Rick Drew  
Burnett Country Certifiers  
12/58 Newton Street  
MONTO QLD 4630

Email: [rick@burnettcc.com.au](mailto:rick@burnettcc.com.au)

Dear Sir,

**NOTICE OF DECISION**  
**PLANNING ACT 2016 S63**

**DA/50/2019 - MATERIAL CHANGE OF USE - IMPACT**  
**TOURIST PARK (12 GUESTS (14 SITES AND LODGE))**  
**135 NEWTONS ROAD, ROSEDALE QLD 4674**  
**LOT 15 RP 619121**

Reference is made to the above Development Application and the Confirmation Notice dated 4 November 2019.

I wish to advise that the application was considered by Council at its 7 July 2020 General Meeting where it was resolved to approve the application. The approval is supported by a Notice of Reasons and is subject to conditions as set out in the following Notice of Decision.

Should you have any questions or require further clarification in relation to any matters raised in the Decision Notice, please do not hesitate to contact Council's Planning Officer Rhianne McMullen-Legdin on (07) 4970 0700.

Yours faithfully



**H A ROBERTSON**  
**MANAGER DEVELOPMENT SERVICES**



**NOTICE OF DECISION - DA/50/2019**  
**PLANNING ACT 2016 S63**

|                           |   |
|---------------------------|---|
| Application:              | Material Change of Use - Impact - Tourist Park (12 Guests (14 Sites and Lodge))   |
| Applicant Name & Address: | Rick Drew<br>Burnett Country Certifiers<br>12/58 Newton St<br>MONTO QLD 4630  |
| Owner:                    | Ms D M Laurie   |
| Subject Land:             | 135 Newtons Road, ROSEDALE QLD 4674   |
| Location:                 | Lot 15 RP 619121  |
| Zoning:                   | Rural Zone  |
| Site Area:                | 16.08 hectares  |
| Definition of Use:        | <p><i>The use of land or premises for a tourism activity, including tourist and visitor short-term accommodation, that is intended for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment.</i></p> <p><i>Nature-based tourism activities typically:</i></p> <ul style="list-style-type: none"> <li>• <i>maintain a nature based focus or product</i></li> <li>• <i>promote environmental awareness, education and conservation</i></li> <li>• <i>carry out sustainable practices</i></li> </ul> |
| Submissions Received:     | One (1) Properly Made Submission  |
| Application Received:     | 23 October 2019   |
| Planning Scheme:          | <i>Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2</i>   |

You are advised that your application was Approved in Full. The conditions relevant to this approval are attached. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

**1. DETAILS OF THE APPROVAL**

|  | <b>Development Permit</b> | <b>Preliminary Approval</b> |
|--|---------------------------|-----------------------------|
| <ul style="list-style-type: none"> <li>• <b>Material change of use</b> made assessable by the planning scheme</li> </ul> | ✓                         |                             |

## 2. BENCHMARKS APPLIED TO THE DEVELOPMENT

The following is a description of the assessment benchmarks applying to the development:

| Benchmarks applying to the development:   | Benchmark reference:  |
|---|---|
| <i>State Planning Policy July 2012</i>  | <ul style="list-style-type: none"> <li>• Biodiversity; and</li> <li>• Natural Hazards, Risk and Resilience</li> </ul>   |
| <i>Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2</i> | <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Acid Sulfate Soils Overlay Code;</li> <li>• Bushfire Hazard Overlay Code;</li> <li>• Coastal Hazard Overlay Code;</li> <li>• Scenic Amenities Overlay Code;</li> <li>• Rural Zone Code;</li> <li>• Development Design Code; and</li> <li>• Landscaping Code</li> </ul> |

## 3. CURRENCY PERIOD FOR THE APPROVAL

The currency periods stated in section 85 of the *Planning Act 2016* apply to each aspect of development in this approval, as outlined below unless otherwise conditioned within this approval:-

- ✓ material change of use - 6 years

## 4. APPROVED PLANS

The approved plans and/or documents for this development approval are listed in the following table:

| Drawing Number | Revision | Description                       | Author                          | Date    |
|----------------|----------|-----------------------------------|---------------------------------|---------|
| PD 2198        | 3        | Site Plan                         | John Poulsen<br>Building Design | 22/5/20 |
| PD 2200        | -        | Proposed Toilets No. 2 Floor Plan | John Poulsen<br>Building Design | 21/5/19 |
| PD 2200        | -        | Proposed Toilets No. 2 Elevations | John Poulsen<br>Building Design | 21/5/19 |
| PD 2201        | -        | Proposed Toilets No.3 Floor Plan  | John Poulsen<br>Building Design | 21/5/19 |
| PD 2201        | -        | Proposed Toilets No.3 Elevations  | John Poulsen<br>Building Design | 21/5/19 |
| PD 2202        | -        | Proposed Toilet No. 4 Floor Plan  | John Poulsen<br>Building Design | 21/5/19 |
| PD 2202        | -        | Proposed Toilet No. 4 Elevations  | John Poulsen<br>Building Design | 21/5/19 |
| PD 2203        | -        | Proposed Toilet No. 5 Floor Plan  | John Poulsen<br>Building Design | 21/5/19 |

|         |   |                                  |                              |         |
|---------|---|----------------------------------|------------------------------|---------|
| PD 2203 | - | Proposed Toilet No. 5 Elevations | John Poulsen Building Design | 21/5/19 |
| PD 2204 |   | Proposed Toilet No. 6 Floor Plan | John Poulsen Building Design | 21/5/19 |
| PD 2204 | - | Proposed Toilet No. 6 Elevations | John Poulsen Building Design | 21/5/19 |

## 5. OTHER NECESSARY DEVELOPMENT PERMITS

Listed below are other development permits that are necessary to allow the development to be carried out:-

1. Building Works
2. Plumbing & Drainage Works

## 6. NOTICE OF REASONS

The following provides the Notice of Reasons under section 63(5) of the *Planning Act 2016*:

### Description of the development:

The approved development is for a Material Change of Use to Premise for a Tourist Park (12 Guests (14 Sites and Lodge)) located at 135 Newtons Road, Rosedale.

### Assessment Benchmarks:

| Benchmarks applying to the development:   | Benchmark reference:  |
|---|---|
| <i>State Planning Policy July 2012</i>  | <ul style="list-style-type: none"> <li>• Biodiversity; and</li> <li>• Natural Hazards, Risk and Resilience</li> </ul>   |
| <i>Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2</i> | <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Acid Sulfate Soils Overlay Code;</li> <li>• Bushfire Hazard Overlay Code;</li> <li>• Coastal Hazard Overlay Code;</li> <li>• Scenic Amenities Overlay Code;</li> <li>• Rural Zone Code;</li> <li>• Development Design Code; and</li> <li>• Landscaping Code</li> </ul> |

### Reasons for the Assessment Managers Decision:

1. The Application was properly made in accordance with the *Planning Act 2016* and the Development Assessment Rules; and
2. The Application is generally compliant with the relevant benchmarks of the *State Planning Policy July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2* despite conflicts within the Rural Zone Code.

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

| <b>Benchmark reference:</b>  | <b>Reasons for the approval despite non-compliance with benchmark:</b>  |
|--|---|
| Strategic Framework – 3.3 Gateway to the World – Strategic Outcome 3.3.1 (14)  | Generally compliant with Strategic Framework – 3.3 Gateway to the World – Strategic Outcome 3.3.1 (14)  |
| Strategic Framework – 3.4 Community Living – Strategic Outcome 3.4.1 (9)   | Generally compliant with Strategic Framework – 3.4 Community Living – Strategic Outcome 3.4.1 (9)   |
| Strategic Framework – 3.7 Our environment and heritage – Strategic Element 3.7.2 – Sustainable management of the natural environment and resources | Generally compliant with Strategic Framework – 3.7 Our environment and heritage – Strategic Element 3.7.2 – Sustainable management of the natural environment and resources |
| Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Outcome 3.8.1 (1)   | Generally compliant with Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Outcome 3.8.1 (1)   |
| Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Outcome 3.8.1 (6)   | Generally compliant with Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Outcome 3.8.1 (6)   |
| Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.8.2 – Southern townships and place                      | Generally compliant with Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.8.2 – Southern townships and place                      |
| Acid Sulfate Soils Overlay Code – Table 8.2.1.3.1  | Compliance with Acid Sulfate Soils Overlay Code – Table 8.2.1.3.1 via conditions.   |
| Bushfire Hazard Overlay Code - Table 8.2.4.3.1 – Performance Outcome 1   | Compliance with Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Performance Outcome 1 via a condition  |
| Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Performance Outcome 2  | Generally compliant with Coastal Hazard Overlay Code – Table 8.2.5.3.1 – Performance Outcome 2  |
| Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Performance Outcome 4  | Compliance with Coastal Hazard Overlay Code Table 8.2.5.3.1 – Performance Outcome 4 via a condition   |
| Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Acceptable Outcome 5.1   | Compliance with Coastal Hazard Overlay Code Table 8.2.5.3.1 – Acceptable Outcome 5.1 via a condition  |
| Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Acceptable Outcome 5.2   | Compliance with Coastal Hazard Overlay Code Table 8.2.5.3.1 – Acceptable Outcome 5.2 via a condition  |
| Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Acceptable Outcome 6   | Compliance with Coastal Hazard Overlay Code Table 8.2.5.3.1 – Acceptable Outcome 6 via a condition  |
| Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Performance Outcome 12   | Compliance with Coastal Hazard Overlay Code Table 8.2.5.3.1 – Performance Outcome 12 via a condition  |
| Scenic Amenity Overlay Code – Table 8.2.11.3.1 – Performance Outcome 2   | Generally compliant with Scenic Amenity Overlay Code – Table 8.2.11.3.1 – Performance Outcome 2   |
| Rural Zone Code – Table 6.2.22.3.1 –   | Generally compliant with Rural Zone Code  |

|   |   |
|---|---|
| Performance Outcome 10  | – Table 6.2.22.3.1 – Performance Outcome 10   |
| Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 11         | Generally compliant with Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 11                |
| Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 14         | Generally compliant with Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 14                |
| Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 15         | Compliance with Rural Zone Code Table 6.2.22.3.1 – Performance Outcome 15 via a condition           |
| Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.2  | Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.2 via a condition  |
| Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 2.2  | Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 2.2 via a condition  |
| Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.1  | Generally compliant with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.1         |
| Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 11.1 | Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 11.1 via a condition |
| Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 15   | Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 15 via a condition   |
| Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 16   | Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 16 via a condition   |
| Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 19   | Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 19 via a condition   |
| Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21   | Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 via a condition   |
| Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 31   | Generally compliant with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 31          |
| Development Design Code – Table 9.3.2.3.1 – Performance Outcome 38  | Compliance with Development Design Code – Table 9.3.2.3.1 – Performance Outcome 38 via a condition  |
| Landscaping Code – Table 9.3.5.3.1                                  | Generally compliant with Landscaping Code – Table 9.3.5.3.1   |

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

1. The subject site is not constrained by Flood Hazard Overlay under the Planning Scheme. However, updated flood information and data is considered relevant in the assessment of this proposal.

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

| Submission   | Officer's Response   |
|--|--|
| <b>Number of Guests</b>  |  |
| How many people can an 18 site tourist park accommodate                                    | Additional material was submitted after the Public Notification Period which now details 45 people onsite. To ensure the development maintains this scale throughout the operation, a condition has been recommended restricting numbers to that effect.   |
| How many persons can the lodge accommodate   |  |
| What is the total number of "tourists" that would be permitted to be accommodated          |  |
| <b>Services</b>  |  |
| The provision and testing of potable water   | The Applicant has advised a potable on-site water supply network is present at the site. The developer advises that there are 132,000 litres of potable water located in water tanks on site. As per a recommended condition, the Applicant is required to ensure the water supply for drinking is in accordance with <i>Water Supply (Safety and Reliability) Act 2008</i> by undertaking regular testing in accordance with the Act and provide signage to display outlets that are not suitable for drinking. |
| Refuse collection and Disposal   | The Applicant has advised the waste management on site will enable the opportunity to separate the waste into recyclable and general waste. General waste will be taken to the transfer station in Rosedale and Recyclable items will be transported to Gladstone. As per a recommended condition, the Applicant will be required to provide a Waste Management Plan prior to commencement of use.   |
| <b>Recurring Incidents to neighbouring sites</b>   |  |
| Campers wandering into adjoining properties  | As per recommended conditions, the Applicant will be required to ensure noise complies with the <i>Environmental Protection (Noise) Policy 2008</i> and the Applicant is to delineate the extent of the boundaries to prevent trespassers.   |
| Rubbish being thrown across the fence into the bush area on adjoining properties           |  |
| Campers cutting firewood in adjoining properties   |  |
| Campers cutting firewood with a chainsaw near adjoining boundaries late at night (11:00pm) |  |
| Large groups during long weekends and Easter   |  |

**Matters prescribed by a Regulation:**

1. The *State Planning Policy – July 2017 – Part E*;
2. The *Central Queensland Regional Plan*; and
3. The *Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2*.

## 7. SUBMISSIONS

There were one properly made submissions about the application. The name and address of the principal submitter for each properly made submission are as follows:-

| Name of principal submitter | Address                            |
|-----------------------------|------------------------------------|
| Mr R Brookes                | 171 Newtons Road ROSEDALE QLD 4674 |

## 8. APPEAL RIGHTS

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

## 9. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:-

- From the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court.

**OR**

- If there is a submitter and the applicant does not appeal the decision, the earlier date of either:
  - When the submitter's appeal ends; or
  - The day the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision.

**OR**

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

This approval will lapse if:-

- for a material change of use, the first change of use under the approval does not start within the relevant period stated in section 3 of this Notice of Decision;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 3 of this Notice of Decision;
- for a development approval other than a material change of use or reconfiguration, the development does not substantially start within the relevant period stated in section 3 of this Notice of Decision.



Should you wish to discuss this matter further, please contact Council's Planning Officer Rhianne McMullen-Legdin on (07) 4970 0700.

Yours faithfully

A handwritten signature in black ink that reads "H A Robertson". The signature is written in a cursive style with a large initial "H".

**H A ROBERTSON  
MANAGER DEVELOPMENT SERVICES**

**Attached:    Conditions  
                  Appeal Rights  
                  Approved Plans**

**ASSESSMENT MANAGER CONDITIONS - DA/50/2019**

**Approved Documentation**

1. Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:

| <b>Drawing Number</b> | <b>Revision</b> | <b>Description</b>                      | <b>Author</b>                   | <b>Date</b> |
|-----------------------|-----------------|---|---------------------------------|-------------|
| PD 2198               | 3               | Site Plan                               | John Poulsen<br>Building Design | 22/5/20     |
| PD 2200               | -               | Proposed<br>Toilets No. 2<br>Floor Plan | John Poulsen<br>Building Design | 21/5/19     |
| PD 2200               | -               | Proposed<br>Toilets No. 2<br>Elevations | John Poulsen<br>Building Design | 21/5/19     |
| PD 2201               | -               | Proposed<br>Toilets No.3<br>Floor Plan  | John Poulsen<br>Building Design | 21/5/19     |
| PD 2201               | -               | Proposed<br>Toilets No.3<br>Elevations  | John Poulsen<br>Building Design | 21/5/19     |
| PD 2202               | -               | Proposed Toilet<br>No. 4 Floor<br>Plan  | John Poulsen<br>Building Design | 21/5/19     |
| PD 2202               | -               | Proposed Toilet<br>No. 4<br>Elevations  | John Poulsen<br>Building Design | 21/5/19     |
| PD 2203               | -               | Proposed Toilet<br>No. 5 Floor<br>Plan  | John Poulsen<br>Building Design | 21/5/19     |
| PD 2203               | -               | Proposed Toilet<br>No. 5<br>Elevations  | John Poulsen<br>Building Design | 21/5/19     |
| PD 2204               |                 | Proposed Toilet<br>No. 6 Floor<br>Plan  | John Poulsen<br>Building Design | 21/5/19     |
| PD 2204               | -               | Proposed Toilet<br>No. 6<br>Elevations  | John Poulsen<br>Building Design | 21/5/19     |

**Special Conditions**

2. At all times, the total number of guests must not exceed 45 people on site during the operation of the 14 Camp Sites and Lodge (12 guests).

3. The Operation of the Tourist Park shall be monitored by the onsite Manager with respect to the number of a guests and compliance with conditions of this approval.
4. At all times, open campfires are prohibited unless a permit from Rural Fire Services has been obtained.
5. Boundaries are to be clearly delineated for Campers to mitigate trespassing on adjoining properties. Camping is to remain within the approved Camping Areas 1 and 2 and outside of the Esplanade reserve.
6. Prior to the commencement of the use, the Applicant must submit an Emergency Response and Evacuation Plan to Council for approval. The Plan is to:
  - a. Be prepared by a suitably qualified person;
  - b. Be provided for the whole of the site;
  - c. Provide an evacuation and emergency plan in the event of a bushfire or flood event;
  - d. Be implemented by the Applicant for the life of the approval.

*Bushfire Event*

- i. Identify of the location and severity of all bushfire risks including vegetation, topography and bushfire history;
- ii. Identify fire risk reduction features including fire-fighting facilities to be installed and their ongoing maintenance schedule; and
- iii. Demonstrate that the site will be adequately serviced with onsite firefighting equipment.

*Flood and Cyclone Event*

- i. Identify an alternative evacuation route in order to achieve an acceptable level of flood risk;
  - ii. Identify any influence including storm tide which alters the behaviour of flood hazard; and
  - iii. Identify of the location and severity of all flood risks including creeks, waterways and floodplains.
7. As part of any Development Application for Building Works, the Applicant is to construct all internal roads with a minimum width of 6m and a minimum formed width of 4m and with a maximum grade of 12.5%.
  8. As part of Building Works, a cleared fire break is to be provided at a minimum of 10m *of the immediate development footprint*.
  9. Prior to the commencement of the use, a water tank of a minimum size of 50,000 litres is to be constructed prior to the commencement of the use for the purpose of on-site potable water.
  10. At all times, an adequate supply of water must be provided and maintained for the purposes of drinking, cooking and personal hygiene. The water supply for drinking purposes must be potable water in accordance with the *Water Supply (Safety and Reliability) Act 2008*.

*Advisory Note: If water obtained from a particular water outlet in the campground is not suitable for drinking, a sign must be permanently displayed at the outlet stating that it is "Unsuitable for Drinking".*

11. As part of Building Works, the Applicant is to provide an easily accessible concrete water storage tank or in-ground swimming pool or dam. The water storage infrastructure is:
  - a) To be constructed with fire brigade fittings;
  - b) To have a minimum capacity of 5,000 litres;
  - c) To be located within 100m of the immediate development footprint;
  - d) To be located outside of the Coastal Hazard Overlay; and
  - e) To be readily identifiable with clear signage.

### **Building, Plumbing and Drainage Works**

12. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Planning Act 2016*. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
13. The Applicant is required to obtain a Development Permit and Building Final for Building Works to reclassify the current Dwelling House to a Class 1b prior to the commencement of use.

*Advisory Note: A final inspection is required prior to the commencement of operation.*

14. The Applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final in accordance with the *Planning Act 2016*. Construction is to comply with the *Plumbing and Drainage Act 2018* and the requirements of other relevant authorities.
15. Details of the proposed colour scheme, materials and finishes for all external areas of the new structures are to be submitted to Council for approval prior to the issue of a Development Permit for Building Works.
16. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.
17. Prior to the commencement of the use, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting.

### **Environmental and Health**

18. Provide and maintain adequate toilet and showering facilities as per the *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011* as follows:
  - a. at least 2 showers (in separate cubicles) for each sex, for every 14 individual camp sites (within the camping ground);
  - b. at least 2 handbasins; and
  - c. for water closets – for every 14 individual camp sites (within the camping group) –

- i. for males – at least 2 water closet pedestals and 0.9 metres of urinal stall; and
- ii. for females – at least 4 water closet pedestals.

### **Sewerage Infrastructure**

19. As part of any Development Application for Plumbing and Drainage Works, any on-site effluent disposal systems are to be designed to withstand inundation during a Flood Event.
20. Prior to the commencement of the use, the Applicant must construct a suitably sized on-site sewerage treatment system, designed by a suitably qualified professional to cater for the development.

### **Transportation Services**

21. Prior to the commencement of use, the Applicant is to construct all internal driveways with a minimum cleared width of 6m and a minimum formed width of 4m and with a maximum grade of 12.5%.
22. Prior to the commencement of the use, a 7m wide Rural Road Access driveway is to be constructed in accordance with Council's Standard Drawing Rural Roads Access.

*Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdq.com.au/index.htm>.*

23. Prior to the construction of any works within Council's road reserve, the Applicant shall obtain a Works on a Council Road Approval in conformity with Council's Subordinate Local Law No. 1.15.

*Advisory Note: Council's Local Law No. 1.15 – Application to Construct (and maintain) a Driveway (vehicle crossover) is found at <http://www.gladstone.qld.gov.au/forms>*

### **Waste Management**

24. As part of any Development Application for Building Works, a Waste Management Plan is to be submitted and approved by Council. The Waste Management Plan is to be in accordance with the Waste Management Planning Scheme Policy of the Our Place Our Plan Gladstone Regional Council Planning Scheme.
25. Prior to the commencement of the use, refuse bins are to be provided in accordance with Table SC6.7.3.2 of Schedule 6.7 Waste Management at a rate of one 240L waste storage bin and one 240L recycling bin per 4 campsites.
26. Prior to the commencement of the use, open storage areas shall be adequately screened so as not to detract from the visual amenity of the area. One way of achieving compliance with this condition is as follows:
  - a. Outdoor storage areas are situated in locations not visible from the street; and
  - b. A 1.8m solid screen fence is located around storage areas.

## **Miscellaneous**

27. Prior to the commencement of the use, the Applicant must submit a Property Pest Management Plan for approval by Council. The Plan is to detail what restricted matter under the *Biosecurity Act 2014* (Qld) the Plan relates to; the location of restricted matter on the site; and what actions will be undertaken to manage the restricted matter before, during and after the development activity. The Plan must be drafted by a suitably qualified person who has a minimum of five years of experience in invasive species management. Upon approval of the Pest Management Plan, the Applicant must undertake all recommended actions.

*Advisory Note: Council's Regulatory Services Division (Pest Management Section) can provide support in the development of this Property Pest Management Plan which are contactable on (07) 4970 0700.*

28. At all times, the development must achieve the noise generation levels set out in the *Environmental Protection (Noise) Policy 2008*. That is the development must prevent or minimise the generation of any noise or vibration such that nuisance is not caused to other nearby sensitive land uses.

## **Lawful Commencement**

29. Prior to the commencement of this use, the Applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
30. Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the Applicant is to notify Council within 20 business days that this approved use has lawfully commenced.

## **END OF CONDITIONS**

### **Advice to Applicant:**

An Adopted Infrastructure Charge Notice in relation to the infrastructure charges applicable to this development has been provided separately.

If any proposed Advertising Devices are to be included onsite, please note the Gladstone Regional Council *Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011* or Planning Scheme - Advertising Devices Code may be applicable.

## Schedule 1 Appeals

section 229

### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

- 
- (ii) the building is, or is proposed to be, not more than 3 storeys; and
  - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (h) a decision to give an enforcement notice—
    - (i) in relation to a matter under paragraphs (a) to (g); or
    - (ii) under the *Plumbing and Drainage Act 2018*; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.



Schedule 1

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- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—  
*storey* see the Building Code, part A1.1.

| <b>Table 1</b><br><b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>   |
|---|
| <p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none"><li>(a) the refusal of all or part of the development application; or</li><li>(b) the deemed refusal of the development application; or</li><li>(c) a provision of the development approval; or</li><li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li></ul> |

| <b>Table 1<br/>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>  |                        |  |   |
|--|------------------------|--|---|
| Column 1<br>Appellant  | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any)  | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| The applicant  | The assessment manager | If the appeal is about a concurrence agency's referral response—the concurrence agency | <p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p> |
| <p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p> |                        |  |   |

Schedule 1

| <b>Table 1<br/>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>  |                               |  |  |
|--|-------------------------------|--|--|
| Column 1<br>Appellant  | Column 2<br>Respondent        | Column 3<br>Co-respondent<br>(if any)                        | Column 4<br>Co-respondent<br>by election (if<br>any)   |
| <p>1 The applicant</p> <p>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>   | <p>The responsible entity</p> | <p>If an affected entity starts the appeal—the applicant</p> | <p>1 A concurrence agency for the development application</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5 Any eligible submitter for the change application</p> |
| <p>3. Extension applications</p> <p>For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <p>(a) the assessment manager’s decision on the extension application; or</p> <p>(b) a deemed refusal of the extension application.</p> |                               |  |  |

| <b>Table 1<br/>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>   |                               |  |   |
|---|-------------------------------|--|---|
| Column 1<br>Appellant   | Column 2<br>Respondent        | Column 3<br>Co-respondent<br>(if any)                          | Column 4<br>Co-respondent<br>by election (if<br>any)                                      |
| <p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>  | <p>The assessment manager</p> | <p>If a concurrence agency starts the appeal—the applicant</p> | <p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p> |
| <p><b>4. Infrastructure charges notices</b></p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> <li>• the incorrect application of gross floor area for a non-residential development</li> <li>• applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p> |                               |  |   |

| <b>Table 1</b>  |   |                                       |   |
|---|---|---------------------------------------|---|
| <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>   |   |                                       |   |
| Column 1<br>Appellant   | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| The person given the infrastructure charges notice  | The local government that gave the infrastructure charges notice  | —                                     | —   |
| <p>5. Conversion applications</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p> |   |                                       |   |
| Column 1<br>Appellant   | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| The applicant   | The local government to which the conversion application was made | —                                     | —   |
| <p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p>  |   |                                       |   |
| Column 1<br>Appellant   | Column 2<br>Respondent  | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| The person given the enforcement notice   | The enforcement authority   | —                                     | If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government |

| <b>Table 2<br/>Appeals to the P&amp;E Court only</b>  |  |  |   |
|---|--|--|---|
| <p><b>1. Appeals from tribunal</b></p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>   |  |  |   |
| Column 1<br>Appellant   | Column 2<br>Respondent   | Column 3<br>Co-respondent<br>(if any)  | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| A party to the proceedings for the decision   | The other party to the proceedings for the decision  | —  | —   |
| <p><b>2. Eligible submitter appeals</b></p> <p>For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p> |  |  |   |
| Column 1<br>Appellant   | Column 2<br>Respondent   | Column 3<br>Co-respondent<br>(if any)  | Column 4<br>Co-respondent<br>by election (if<br>any)  |
| <p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>   | <p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p> | <p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p> | <p>Another eligible submitter for the application</p> |

**Table 2**  
**Appeals to the P&E Court only**

3. Eligible submitter and eligible advice agency appeals

For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

(a) any part of the development application or change application that required impact assessment; or

(b) a variation request.

| Column 1<br>Appellant  | Column 2<br>Respondent   | Column 3<br>Co-respondent<br>(if any)  | Column 4<br>Co-respondent<br>by election (if<br>any)  |
|--|--|--|---|
| <p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p> | <p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p> | <p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p> | <p>Another eligible submitter for the application</p> |

4. Compensation claims

An appeal may be made against—

(a) a decision under section 32 about a compensation claim; or

(b) a decision under section 265 about a claim for compensation; or

(c) a deemed refusal of a claim under paragraph (a) or (b).

| <b>Table 2<br/>Appeals to the P&amp;E Court only</b>  |  |                                       |  |
|---|--|---------------------------------------|--|
| Column 1<br>Appellant   | Column 2<br>Respondent                           | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)                           |
| A person dissatisfied with the decision   | The local government to which the claim was made | —                                     | —  |
| <p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>  |  |                                       |  |
| Column 1<br>Appellant   | Column 2<br>Respondent                           | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)                           |
| <p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p>   | The Minister                                     | —                                     | If an owner or occupier starts the appeal—the owner of the registered premises |
| <p>6. Local laws</p> <p>An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p> |  |                                       |  |



| <b>Table 2<br/>Appeals to the P&amp;E Court only</b>   |                        |                                       |  |
|--|------------------------|---------------------------------------|--|
| Column 1<br>Appellant  | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| A person who—<br>(a) applied for the decision; and<br>(b) is dissatisfied with the decision or conditions. | The local government   | —                                     | —  |

| <b>Table 3<br/>Appeals to a tribunal only</b>   |                        |                                       |  |
|---|------------------------|---------------------------------------|--|
| <p><b>1. Building advisory agency appeals</b></p> <p>An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p> |                        |                                       |  |
| Column 1<br>Appellant   | Column 2<br>Respondent | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any)   |
| A building advisory agency for the development application related to the approval  | The assessment manager | The applicant                         | <p>1 A concurrence agency for the development application related to the approval</p> <p>2 A private certifier for the development application related to the approval</p> |

| <b>Table 3<br/>Appeals to a tribunal only</b>  |                                   |                                       |  |
|--|-----------------------------------|---------------------------------------|--|
| <p>2. Inspection of building work</p> <p>An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>  |                                   |                                       |  |
| Column 1<br>Appellant  | Column 2<br>Respondent            | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| The applicant for the development approval   | The person who made the decision  | —                                     | —  |
| <p>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p> |                                   |                                       |  |
| Column 1<br>Appellant  | Column 2<br>Respondent            | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| A person who received, or was entitled to receive, an information notice about the decision  | The entity that made the decision | —                                     | —  |
| <p>4. Local government failure to decide application under the Building Act</p> <p>An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>   |                                   |                                       |  |

| <b>Table 3<br/>Appeals to a tribunal only</b>  |  |                                       |  |
|--|--|---------------------------------------|--|
| Column 1<br>Appellant  | Column 2<br>Respondent                                 | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| A person who was entitled to receive notice of the decision  | The local government to which the application was made | —                                     | —  |
| <p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act.</p> |  |                                       |  |
| Column 1<br>Appellant  | Column 2<br>Respondent                                 | Column 3<br>Co-respondent<br>(if any) | Column 4<br>Co-respondent<br>by election (if<br>any) |
| A person who was entitled to receive an information notice about the decision  | The entity that failed to make the decision            | —                                     | —  |

