



GLADSTONE REGIONAL COUNCIL

GENERAL MEETING NOTICE AND AGENDA

**TO BE HELD AT THE GLADSTONE ENTERTAINMENT CONVENTION CENTRE,
56 GOONDOON STREET, GLADSTONE**

On Tuesday 1 June 2021

Commencing at 9.00am

Notice Section 277E *Local Government Regulation 2012*: This meeting will be closed to the public, due to health and safety reasons associated with the public health emergency involving COVID-19. Live streaming will be available on Council's website.

**Leisa Dowling
CHIEF EXECUTIVE OFFICER**

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G/1. MAYORAL STATEMENT OF CURRENT ISSUES

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 18 MAY 2021

Responsible Officer: Chief Executive Officer

Council Meeting Date: 1 June 2021

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 18 May 2021.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 18 May 2021 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 18 May 2021.

Tabled Items:

Nil.

Report Prepared by: Executive Secretary

G/3. OFFICERS' REPORTS

G/3.1. DEVELOPMENT APPLICATION 37/2020 FOR A VARIATION REQUEST FOR A MATERIAL CHANGE OF USE OF PREMISES FOR A SHORT-TERM ACCOMMODATION USE AND A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE OF PREMISES FOR A THEATRE

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 1 June 2021

File Ref: DA/37/2020; DB1.7

Development Application:

Application Number:	DA/37/2020
Applicant:	Yaralla Sports Club Incorporated C/- Ben Lewis – Bartley Burns
Owner:	Yaralla Sports Club Incorporated
Confirmation Notice:	18 November 2020
Location:	20 O'Connell Street, Barney Point QLD 4680
RPD:	Lot 2 SP 247424
Area:	1.335 hectares
Current Use of Land:	Sports Club (Food, Gaming and Licensed Premises), Sport and Recreation Facility (Yaralla Fitness Centre) & Motel (60 rooms)
Zoning:	Sport and Recreation Zone
Proposal:	Variation Request – Short-term Accommodation Use & Development Permit – Material Change of Use - Theatre
Planning Scheme:	<i>Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2</i>
Public Notification Period:	10 December 2020 to 8 February 2021
Number Of Submissions:	Two (2) Properly Made Submissions

Purpose:

The purpose of this report is to assess Development Application 37/2020 for a Variation Request for a Material Change of Use of Premises for a Short-Term Accommodation Use and a Development Permit for a Material Change of Use of Premises for a Theatre (Cinema) located at 20 O'Connell Street, Barney Point QLD 4680.

Executive Summary:

A Development Application for a Variation Request for a Material Change of Use of Premises for a Short-Term Accommodation Use and a Development Permit for a Material Change of Use of Premises for a Theatre (Cinema) located at 20 O'Connell Street, Barney Point QLD 4680, was received by Council on 2 November 2020. The application was prepared by Bartley Burns on behalf of Yaralla Sports Club Incorporated for the establishment of a Variation Request to facilitate future development of short-term accommodation against the proposed development code, and a development permit for a Theatre located within the Sport and Recreation Zone.

As per the *Planning Act 2016* (the Act), a Variation request triggers Impact Assessment against the *Our Place Our Plan Gladstone Regional Council Planning Scheme 2015, Version 2* (the Planning Scheme) and Impact Assessment for the proposed Theatre within the Sport and Recreation Zone.

As per the Act, an Impact Assessment application must be carried out against the assessment benchmarks in the categorising instrument, may have regard to any matters prescribed by regulation, and may be carried out against, or having regard to, any other relevant matter. Therefore, the Application was assessed against the entire planning scheme, the *State Planning Policy – July 2017* (the SPP) and in accordance with the Act.

The proposed Variation Request has been considered against the planning scheme, future assessment framework and associated appeal rights. Based on the limited information provided within the common material, inconsistencies with the current planning scheme’s vision for the provision of additional short-term accommodation in Gladstone, and the lack of overriding economic and community need, it is recommended that this component of the development application be refused.

With reference to the Theatre component, the identified inconsistencies with the strategic framework and zone code are considered insufficient to justify a refusal when balanced with the benefits of the proposal in favor of the community interest. In addition, there are negligible negative impacts in approving the Theatre in this location, for the detailed relevant matters outlined in this report.

In summary, the proposed Variation Request is recommended for refusal while the Development Permit for a Material Change of Use of Premises for a Theatre is recommended for approval, subject to conditions.

Subject Site:

The site is located at 20 O’Connell Street, Barney Point, otherwise described as Lot 2 on SP247424. The site comprises a single, irregular shaped lot with frontage to O’Connell Street and access to Bell Street via a Right of Way easement. In terms of size, the site has an area of 13,350m² while being relatively flat.



Figure One: Aerial View of Subject Site

The site is currently occupied by the Licensed Premises, Motel and Fitness Centre (Yaralla Sports Club, Gladstone Events Centre and the Mercure Hotel) which, together, form an established commercial and recreational precinct. This land features a number of buildings and structures in addition to ancillary landscaping, parking and servicing facilities. The approximate built form footprint on the subject site is 9,070m² in gross floor area which ranges from single storey to four storeys.



Figure Two: Street view from O'Connell Street



Figure Three: Street view from Bell Street

The subject site is located within the Sport and Recreation Zone under the Planning Scheme which can be viewed below in Figure Four. The site is surrounded by Lot 2 which is Sport and Recreation Zone land, which is further bounded by Bell, O’Connell and Wood Street. Development in the surrounding location is low density and medium density residential zone, and is within close proximity to Neighbourhood Centre, Mixed Use and Specialised Centre zoning to the west.

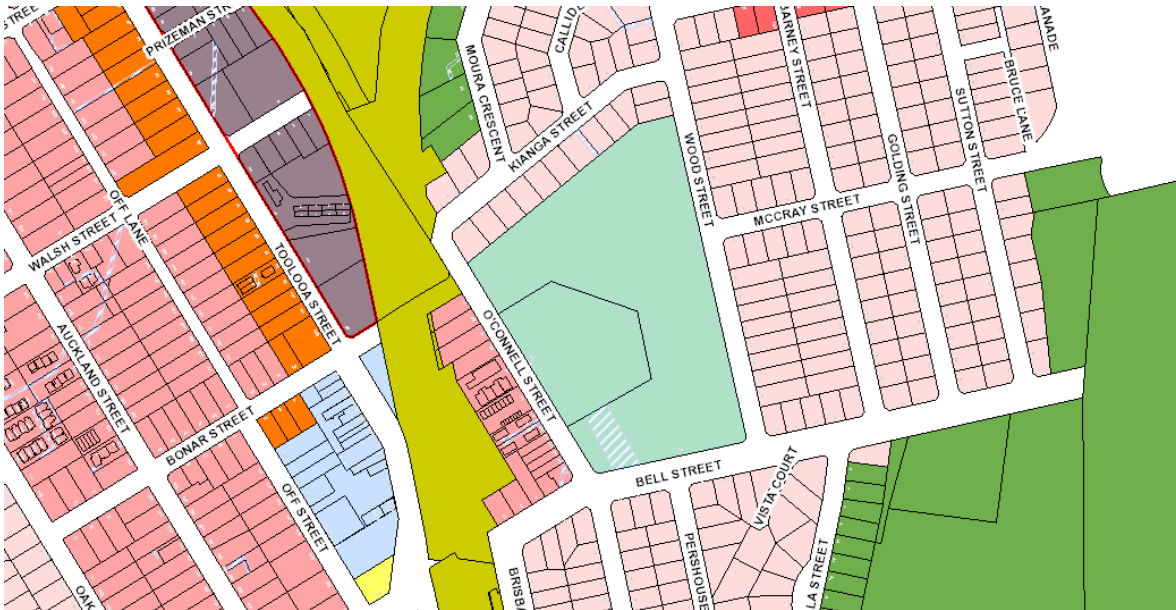


Figure Four: Zoning of Subject Site

The site has existing connections to water, sewerage, stormwater, electricity and telecommunication infrastructure. Additionally, the site has vehicular and pedestrian access to/from O’Connell Street which is a constructed road with existing kerb and channel.

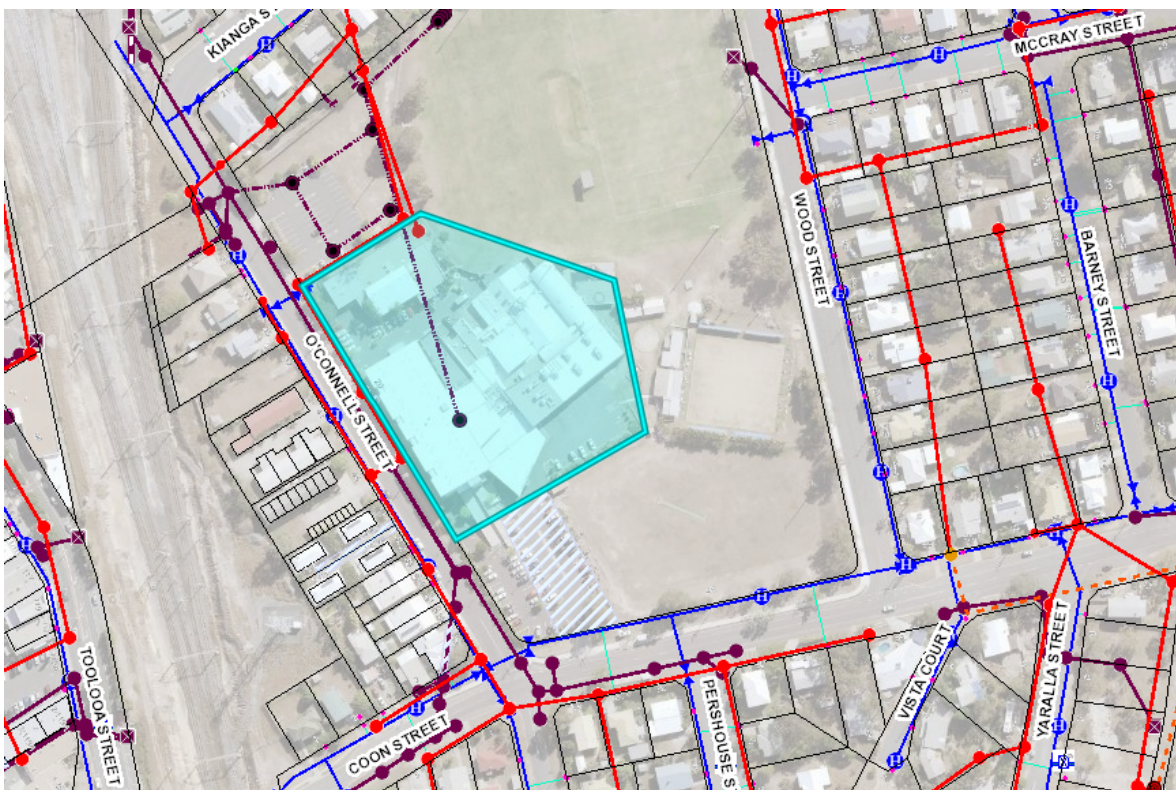


Figure Five: Service Connection

Background:

Yaralla Sport Club Incorporated

Yaralla Sports Club Incorporated (formerly Queensland Alumina Sports Club) was formed in 1966 to organise sporting and sports related social activities for a growing number of Queensland Alumina Ltd (QAL) employees and their families. The site occupied by the Club was originally a hostel for workers at QAL.

In 1992, QAL granted the Club House independence which saw the creation of Yaralla Sports Club Incorporated (the Sports Club). The Sports Club has a membership of approximately 45,000 members with active sports Sub-Committees involving a wide range of activities such as Lawn Bowls, Cricket, Baseball, Hockey, Basketball, Softball, Netball, Soccer and Deep Sea Fishing.

The club commenced a development program in the early 2000s to complete renovations which have resulted in the Club now offering dining, accommodation, event hire, entertainment and gaming facility at the site.

Application History

Council has previously issued an approval for an extension to the sports club, specifically the use of food premises, gaming premises and licensed premises (6194/2005/DA) over the site on 20 October 2005 subject to conditions. The Material Change of Use required an additional 22 carparking spaces to be included onsite, however 34 spaces were provided in excess to the number required. Council approved another proposal over the site on 4 July 2008 (10003/2008/DA) for the expansion of the previously approved food, gaming and licensed premises, and as per the conditions of approval required a total of 193 carparks.

A Development Application for a Material Change of Use of Premises for a Sport and Recreation Facility (Extension to Yaralla Fitness Centre) was approved on 10 February 2009 (ref: DA/11043/2008). This approval sought an expansion of the gymnasium to incorporate a larger facility, additional toilets and change rooms, administrative areas and child-minding services. A subsequent Negotiated Decision was issued on 30 March 2009. Construction of the extension resulted in the combined supply of 229 carparking spaces.

Council issued an approval for a Material Change of Use of Premises for a Motel (Staged - 60 Rooms) (Extension to Yaralla Sports Club) on 2 February 2010 (ref: DA/13/2009). The existing club entry was altered to connect to the Motel and provide a common reception and foyer area for the development. The internal layout was structured so that the Sports Club is able to close while allowing the bar to operate in conjunction with the Motel at alternative hours. Access to this car parking area is via two (2) new driveways from O'Connell Street. A total of 298 car parking spaces are provided onsite for the Motel, existing Fitness Centre and Sports Club. A Negotiated Decision Notice was later issued on 19 May 2010. Council received further correspondence relating to the total number of onsite car parking spaces. Via formal correspondence, Council agreed to permit the total onsite carparking of 259 spaces.

As part of DA/13/2009, a condition required the Applicant to amalgamate Lot 1 & 2. To achieve compliance with the condition's intent, a Development Application was lodged for a Reconfiguration of a Lot (Boundary Realignment) to ensure that the development was wholly contained within a property boundary. DA/375/2011 was lodged and approved with the relevant Survey Plan endorsed (Ref: CA/51/2011) in 2012.

An extension to the Fitness Centre & Equipment Shed was sought and approved on 30 May 2012 (Ref: DA/528/2012) which has since lapsed as the Applicant did not act on the permit.

Previous Theatre Application

The Development Application was lodged with Council on 24 June 2019 and confirmed on 5 July 2019 (ref: DA/27/2019).

The Application was presented at the 18 February 2020 General Council Meeting where Council resolved to approve the development subject to reasonable and relevant conditions. Upon receipt of the Decision Notice, the Applicant waived their Appeal Rights, in which Council issued the Submitter Appeal Notice. During that period, a submitter lodged an appeal to the Planning and Environment Court (Ref: Appeal No. 884 of 2020).

During the Appeal process, Council submitted Grounds of approval, with the Applicant (Co-Respondent) later withdrawing from the Appeal. As such, a consent order was issued on 18 May 2020 whereby the Development Application was refused.

Pre-lodgement Meeting relating to DA/19/2020

Council and the Applicant held a meeting on 20 August 2020 to discuss DA/19/2020 (Ref: PL/13/2020). Council highlighted concerns with the short-term accommodation proposal and the difficulty to demonstrate economic need and compliance with the current planning scheme noting the existing motel was approved under the previous planning scheme. Council also highlighted the lack of common material supporting the lodged Variation Request and Theatre components. Council noted that the necessary technical reports may assist the Applicant to inform a master plan and supporting development code.

Reference was made to the Appeal which was finalised in May 2020, regarding the grounds submitted by the Respondent (Council) and Appellant (Submitter). It was suggested the Applicant prepare the common material to suitably address the Appellant's grounds in addition to the planning scheme requirements.

DA/19/2020 was later withdrawn by the Applicant following the meeting advice.

Boundary Realignment Application

On 6 October 2020, the Yaralla Sports Club lodged a Development Application for Reconfiguring a Lot – Boundary Realignment and Access Easement (Ref: DA/32/2020). This proposal sought to realign the common boundary between the sports club and adjoining sporting fields, and create a new access easement for the sporting field via the northern carpark.

Council officers approved the development subject to conditions under delegated authority on 9 December 2020. The approved plan has been provided below in Figure Six.

1. This plan has been produced for the purposes as specified by our client and should not be used for any other purpose.
2. The dimensions, areas and total number of Lots shown herein are subject to field survey and also to the requirements of Council and any other authority which may have requirements in under any relevant legislation.
3. This data should not be reproduced in any way without the permission of NorthGroup Consulting. Any reproduction of this data must contain this notting.



Figure Six: Approved Realignment Plan

To date, this application has not been finalised by the Sports Club and remains active with a currency period of four (4) years.

Pre-lodgement Meeting

The Applicant requested another pre-lodgement meeting with Council (ref: PL/16/2020) on 22 September 2020. The Applicant sought feedback on applying for a Variation Request for a Material Change of Use of Premises for a Theatre. Council advised the Applicant to appropriately consider how the Variation Request and subsequent permits would override the planning scheme.

The previous meeting minutes were referenced with Council's advice regarding application material, and the ability to lodge separate or combined applications.

Current Application

Following on from the recent boundary realignment and two (2) pre-lodgement meeting minutes, the Applicant submitted the current Development Application for a Variation Request – Short-term Accommodation and Development Permit for a Material Change of Use of Premises for a Theatre (Ref: DA/37/2020) on 2 November 2020.

Council confirmed DA/37/2020 on 18 November 2020 and issued an Informal Information Request (later noted as Further Advice via formal correspondence) on 2 December 2020. The Further Advice notice outlined concerns with the supporting material submitted for both components of the application.

The Applicant then advised Council Public Notification was commencing from 10 December 2020 to 8 February 2021 (30 business days). During this period, two (2) submissions were received.

Upon completion of the Public Notification period, the Applicant responded to both Council's Further Advice Notice and later the comments raised by the submitters.

During the assessment period, Council raised concerns regarding the common material and sought additional feedback from the Applicant and their planning and legal representatives. By mutual agreement, the Applicant consented to extension requests to the assessment period without submitting additional supporting material.

Proposal:

The Applicant seeks a Variation Request for Short-term Accommodation use and a Development Permit for a Material Change of Use of Premises for a Theatre (Cinema) at the existing Yaralla Sports Club site. This proposal does not include the removal of the existing fitness centre. To avoid any confusion, the two components will be detailed and assessed separately.

Variation Request – Short-term Accommodation

As defined under the Act, a Variation Request means *part of a development application for a preliminary approval for premises that seeks to vary the effect of any local planning instrument in effect for the premises.*

The proposal seeks to alter the Level of Assessment within the Planning Scheme's Sport and Recreation Zone to categorise future Short-term Accommodation development as Code Assessable (consistent use). The Applicant has stated within their common material that the request *is as a reflection of this existing mixture of uses on the land that the Variation Request is proposed, in essence to formally acknowledge the existing Mixed Use nature of the site and to allow for future expansion of this existing on-site activity to occur as a Code Assessable exercise.*

The proposed Development Code has been included below:

Use Type	Categories of Development Assessment – Code Assessment	Assessment benchmarks for assessable development and requirements for accepted development
Short-Term Accommodation	With a maximum building height not exceeding 12m	<ul style="list-style-type: none">• Mixed Use Zone Code• Development Design Code• Landscaping Code• Schedule 6 – Vehicle Parking Rates• Any applicable Overlay Code

Use Type	Categories of Development Assessment – Impact Assessment	Assessment benchmarks for assessable development and requirements for accepted development
Short-Term Accommodation	With a maximum building height exceeding 12m	<ul style="list-style-type: none"> • Part 3 - Strategic Framework • Mixed Use Zone Code • Development Design Code • Landscaping Code • Schedule 6 – Vehicle Parking Rates • Any applicable Overlay Code

With reference to the proposed Development Code, the Applicant has stated that the above Planning Scheme Codes will remain applicable to future assessment at the subject site.

Notwithstanding the above, the Applicant has not submitted supporting material to justify a variation request including Master Plan, Economic and Needs Assessment, density/yield calculations, and proposed built form. As such, there is a lack of supporting details to provide context or scale of the future Short-term accommodation use.

In raising these issues, the Applicant provided additional commentary stating “*given no specific proposal is known and therefore included in the Variation Request (that seeks an alteration to the Level of Assessment only) to prepare a Community and Economic Needs Assessment without a quantified proposal (number of rooms / beds) is not possible.*”

A variation to Council’s planning scheme, is a significant consideration that should only be approved when sufficient justification, evidence of need and an appropriate assessment framework can be applied to future development applications over the site. The Variation request as proposed, does not provide this confidence to warrant a departure from the current planning scheme provisions.

Development Permit – Theatre

As defined under the Planning Scheme, a Theatre is described as:

Premises used for presenting movies, live entertainment or music to the public and may include provision of food and liquor for consumption on the premises. The use may include the production of film or music, including associated ancillary facilities, which are associated with the production, such as sound stages, wardrobe and laundry facilities, makeup facilities, set construction workshops, editing and post-production facilities.

The Applicant seeks to establish a new Theatre (Cinema) at the subject site. The current cinema operator has confirmed this will result in the relocation from the existing Gladstone Central Shopping Centre to the Yaralla Sports Club site.

To facilitate the proposed Theatre, the Applicant will be required to complete partial demolition works on the existing building and rearrange the internal layout. The new Theatre building will result in an increase in building footprint to the southern end of the structure presenting to Bell Street. The structure has attempted to integrate the new Theatre with the existing building in reference to rooflines, building height, materials and the location.

The suggested demolition works of the existing building and proposed Theatre works have been illustrated below in Figures Seven to Nine.



Figure Seven: Existing and proposed Site Plan

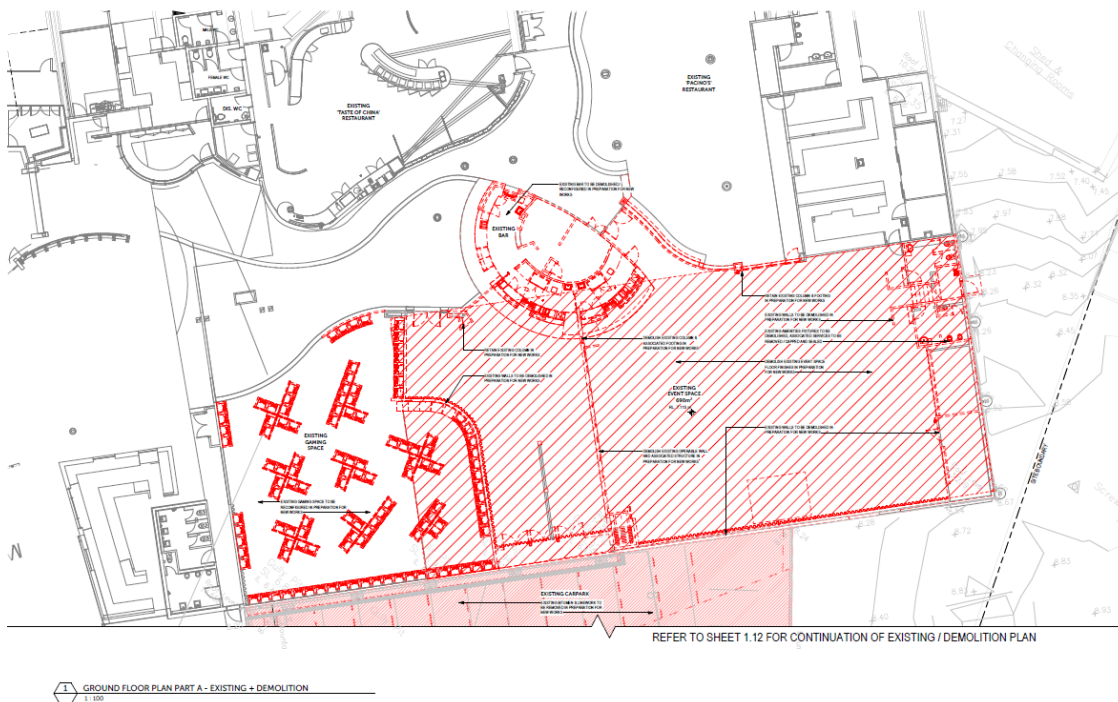


Figure Eight: Proposed Demolition of existing building

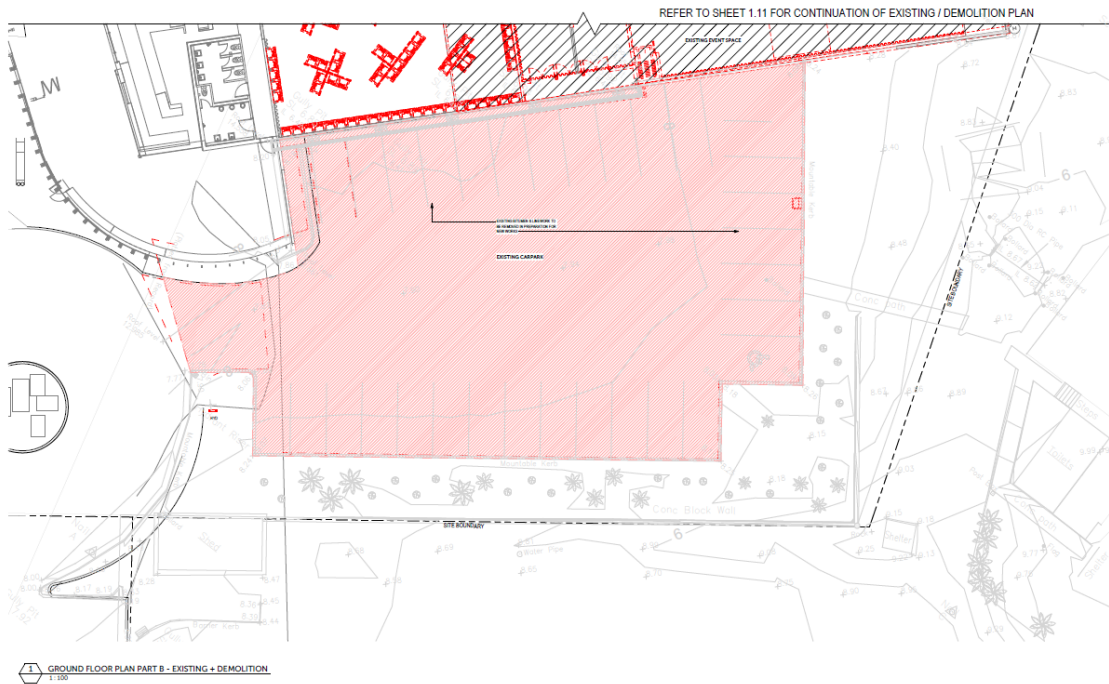


Figure Nine: Proposed removal of carparking spaces

The proposed Theatre will have a total of eight (8) cinema rooms with a seating capacity of 468 patrons which will operate between the hours of 9am and 1am, Monday to Sunday. In addition to the cinema rooms, the ground floor will also include a foyer, games room, amenities, lounge, bar and candy bar, and ticketing area.

Within the first level, the proposal includes the supporting cinema projection rooms and an office. Both levels of the Theatre can be reviewed in Figures 10 and 11.



Figure 10: Proposed Theatre ground floor plan

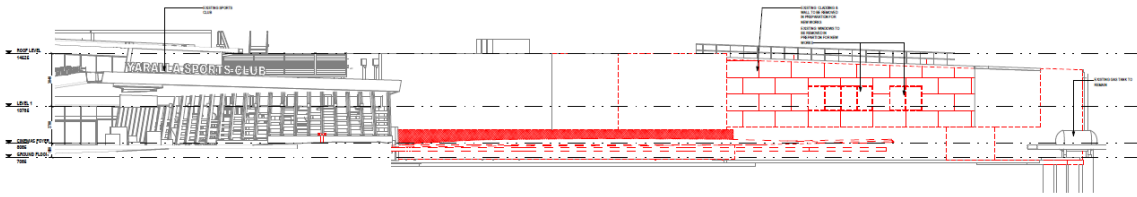


Figure 11: Proposed first level floorplan

The proposal reflects a simple modern structure, with a maximum building height of 14.6m which has been designed to blend into the existing built form onsite. The proposed Theatre will result in a Gross Floor Area (GFA) of 1,404m². However, it should be noted that the Applicant has indicated the existing Event Space will be demolished and rearranged within the existing building (approx. GFA reduction of 690m²).

The exterior of the building has incorporated a variety of different colours, materials and finishes which will create a visually appealing addition to the existing development at the subject site. The façades will feature lightweight cladding of various widths and colours, timber posts, glazing and metal roof sheeting. The combination of these elements will create visual interest from various public viewpoints, assist in distinguishing different sections of the building and complement the existing development conducted by the Sports Club to date.

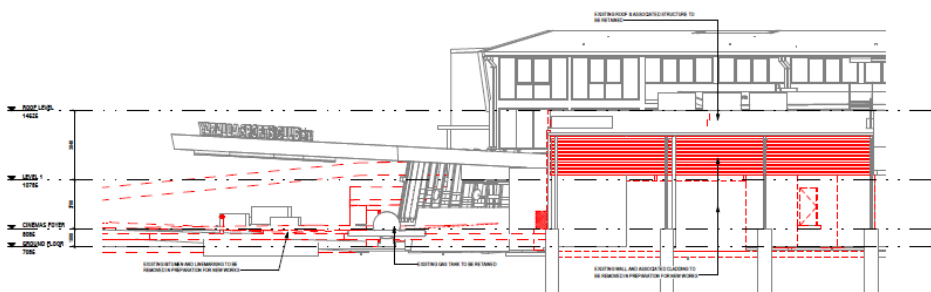
The suggested demolition works of the existing building and proposed Theatre in relation to the elevations have been included below in Figures 12 to 16.



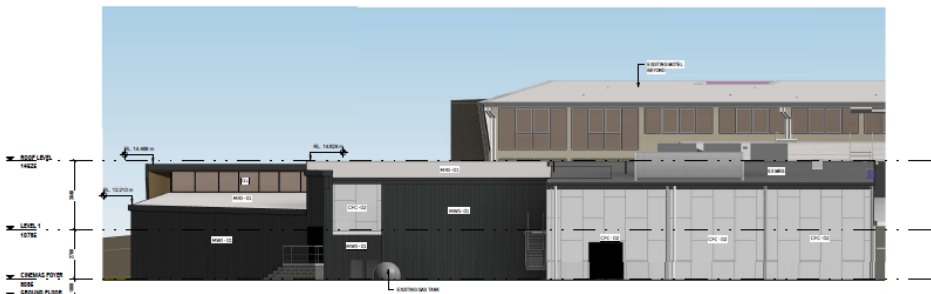
1 CINEMAS SOUTHERN ELEVATION - EXISTING / DEMOLITION
1:100



Figure 12: Proposed Southern Elevation (including existing/demolition)

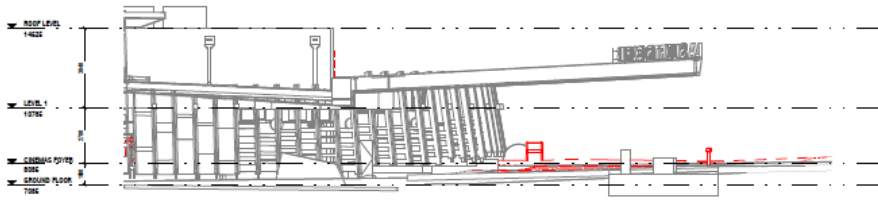


1 CINEMAS EASTERN ELEVATION - EXISTING / DEMOLITION
1:100



2 CINEMAS EASTERN ELEVATION - PROPOSED
1:100

Figure 13: Proposed Eastern Elevations (including existing/demolition)



1 CINEMAS WESTERN ELEVATION - EXISTING / DEMOLITION
1:100



2 CINEMAS WESTERN ELEVATION - PROPOSED
1:100

Figure 14: Proposed Western Elevations (including existing/demolition)



3 AERIAL 3D VIEW

Figure 15: 3D Aerial View



Figure 16: 3D Render views

As the subject site is currently connected to all infrastructure services, the proposal has not included new/altered access or servicing facilities.

With reference to the partial demolition and proposed Theatre, the existing car parking spaces will be reduced by 23 spaces from 273 car parking spaces throughout the site (totalling 250 parking spaces). As part of this Development Application, the Applicant has not proposed any additional car parking; instead has relied upon a Traffic Impact Assessment to review the existing parking demand. Furthermore, the Applicant has suggested that minor landscaping works abutting the new Theatre will be conducted onsite, however additional landscaping is not proposed within the remainder of the site.

Adopted Infrastructure Charges Notice:

The development will be considered in accordance with the *Gladstone Regional Council Adopted Infrastructure Charges Resolution (No.1) – 2015 Version 2* (the AICR) to determine the additional loading on Council’s trunk infrastructure to obtain contribution charges as per the endorsed Local Government Infrastructure Plan (LGIP).

It is noted that Variation Requests do not attract a Levied Charge, rather any subsequent development permit would see the charge applied.

With reference to the proposed Development Permit component entailing the Theatre, a breakdown for the proposal is below:

Existing Lawful Use		Proposal	
Planning Scheme Definition	GFA	Planning Scheme Definition	GFA
Motel	3200m2	Theatre	1404m2
Sports Club/Event Space	5180m2	Event Space (Demolition)	690m2
Fitness Centre	920m2		

As part of any Decision Notice, an Adopted Infrastructure Charge Notice (AIC) will be issued in accordance with the Act. As per the AICR, the proposed development charge of \$198,736.20 minus the applicable credit of \$48,852 will result a total AIC charge of \$149,884.20.

Furthermore, the development may be eligible under the Infrastructure Rebate Scheme Policy to receive a 50% reduction of the levied charge.

Referral:

The proposed development was not required to be referred to any Concurrence or Advice Agencies, as per Schedule 10 of the Regulation.

Assessment:

The proposed development includes two components (Variation Request and Development Permit) which both trigger Impact Assessment against the Planning Scheme. The current planning scheme is yet to incorporate the recent SPP policy, therefore, a separate assessment is required in addition to the planning scheme considerations.

Furthermore, the planning scheme sets out Gladstone Regional Council's intention for the future development in the planning scheme area to 2031.

Within the planning scheme, Part 1 – 1.3 - Hierarchy of assessment states:

Where there is inconsistency between provisions in the planning scheme, the following rules apply:

- a. the strategic framework prevails over all other components to the extent of the inconsistency for impact assessment*
- b. relevant codes as specified in schedules 6 and 10 of the Regulation prevail over all other components to the extent of the inconsistency*
- c. overlays prevail over all other components (other than the matters mentioned in (a) and (b)) to the extent of the inconsistency*
- d. local plan codes prevail over zone codes, use codes and other development codes to the extent of the inconsistency*
- e. zone codes prevail over use codes and other development codes to the extent of the inconsistency*
- f. provisions of Part 10 may override any of the above.*

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme. For the purpose of articulating the policy direction for the planning scheme, the strategic framework is structured with the strategic intent, six themes that work together to articulate the complete policy direction, strategic outcomes and the elements that refine and further describe the strategic outcomes. The policy direction in the strategic framework is supported, at a finer grain level, by other parts of the planning scheme. The zones organise the planning scheme in a way that facilitates the location of compatible land uses. Local plans organise the planning scheme area at the local level and provide more detailed planning for the zones.

For both components of the Development Application, the Strategic Intent for the Gladstone Region has two primary aims:

- 1. To recognise that some parts of the region shoulder a major economic load, because of their role in the global economy as a focus for major industrial development, major port facilities, and other related investment which is fundamental to the continued economic prosperity of the State and nation. The community wants to ensure that this global role benefits the Gladstone region as well as the State and nation.*
- 2. For the region to be nationally recognised as achieving the best possible balance of large industry, sustainability, community wellbeing and environmental protection. This will be attained through a preferred settlement pattern and infrastructure strategy capable of responding to the needs of major industrial growth surges, and the setting of a development framework that will create a region of vibrant, sustainable and affordable neighbourhoods where residents feel supported and engaged.*

By achieving the balance of economic opportunities with community and environmental aspects, it creates a mature region of complete communities which provide genuine choice and support for all its residents, workers and visitors. This further benefits major industries investing in the region, because it ensures that those who work and live in the area have access to the housing and services they need, and choice of lifestyles which keep them connected to, and happy in, the Gladstone region; and the regional community, because its people have access to lifestyle choices, appropriate housing and essential services.

With the Strategic Intent noted, the following assessment of the SPP and assessment benchmarks within the planning scheme (order of hierarchy) has been applied separately to the proposed Variation Request and Development Permit.

VARIATION REQUEST – SHORT-TERM ACCOMMODATION USE

In accordance with section 61 of the Act, assessing a Variation Request the Assessment Manager (i.e. Council) must consider the following:

- a. *the result of the assessment of that part of the development application that is not the variation request; and*
- b. *the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and*
- c. *the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and*
- d. *any other matter prescribed by regulation.*

State Planning Policy

The SPP articulates the State Interests that have been identified as critical to protecting and enhancing Queensland and delivering developments. The subject site is located within the Natural Hazards, Risk and Resilience, and Strategic Airports and Aviation Facilities mapped interests. The proposed Variation Request would require subsequent Development Applications to conduct the necessary assessment and consideration of the state interests at the time of lodgement. As such, the proposal does not identify any adverse conflicts with the SPP.

Planning Scheme

Strategic Framework Consideration

Upon review of each strategic theme, the proposed Variation Request conflicts with the vision to facilitate short-term accommodation in Gladstone CBD, urban revitalisation centres and mixed use centres.

Within the Gateway to the world theme, Strategic Outcome 14 states *Tourism occurs in mixed use centres and the Gladstone CBD through short term accommodation and in integrated tourist resort complexes and associated facilities on the islands of Heron, Quoin and Lady Elliot. Other smaller scale tourist uses in rural and coastal townships (such as Agnes Water and Seventeen Seventy) and rural places are appropriate where associated with rural and coastal attractions.* This is further supported via the Local Business and Tourism elements within this theme.

The Community Living Theme further supports the location of Short-term Accommodation within the Principal Centre and Mixed Use Centres as depicted in the planning scheme. Of particular note, Strategic Outcome 9 outlines *Major short term accommodation is concentrated in the Gladstone CBD, urban revitalisation areas and mixed use centres. Smaller scale short term accommodation within rural and coastal townships supports tourism associated with rural and coastal attractions.* This is further recognised in the Short-term accommodation Element which highlights Short term accommodation for business and tourist

visitors such as hotels and serviced apartments are encouraged in the Gladstone CBD and in mixed use centres.

The subject site has existing use rights for a Motel (60 rooms) and is located on the fringe of the Urban Revitalisation Neighbourhood for 'Gladstone South' but not within any of the anticipated zones. The existing Motel onsite was approved under the superseded *Gladstone Plan 2006*. To ensure the built form complemented the established area with consideration of adjoining development scale and existing uses at the site, Council imposed conditions to reduce the height and improve the building façade to mitigate the building bulk on the site.

Furthermore, since the adoption of the superseded and current Gladstone Regional Council Planning Scheme, whilst the mix of approved uses listed above were in existence, there was not a drive to rezone the land such that it would result in site specific spot zoning on land adjacent the Sport and Recreation Zone (the combined sites bounded by O'Connell and Bell Street). The considerations of the former approvals were such that they did not compromise the ability of the existing sport and recreation uses of the site and adjoining sporting fields from continuing to operate as the original and primary function of the site. To rezone the land to mixed use zoning in entirety as part of the 2015 Planning Scheme would have given greater weight to a further scope of commercial uses not anticipated and potentially compromise the balance that exists on site being a mix of uses of a scale complimentary to the primary nature of the site as sport and recreation, Sporting Club and associated facilities.

The Applicant has similarly stated that *the request is a reflection of this existing mixture of uses on the land that the Variation Request is proposed, in essence to formally acknowledge the existing Mixed Use nature of the site and to allow for future expansion of this existing on-site activity to occur as a Code Assessable exercise (where compliant with maximum building height stipulations)*. Additionally, the town planning report relied on the proximity to the adjoining centre activity areas to overcome the conflict with the aforementioned themes.

Although Council acknowledges the existing use rights currently operating at the site, Council highlighted concerns with the proposed variation to the planning scheme due to lack of concept plan, supporting needs analysis or development yield details. The common material submitted has not demonstrated the planning scheme's vision for short-term accommodation is insufficient and the need for additional land outside the preferred locations is required. Such an approval, not properly considered may result in the subject site shifting its intent from a primary sport and recreation function to predominately providing major short-term accommodation which undermines the development opportunities sought within the adjoining revitalisation area and other mixed use zones prescribing development of this type.

Furthermore, the proposed variation and potential major short-term accommodation may compromise the Principal Centre CBD and result in the connection with the sport and recreation uses onsite and the relationship with the adjoining sporting fields to be undermined. In addition, it is critical to ensure that development does not undermine the primary economic tourism opportunities designated in the Principle Centre – CBD area.

Zone Code Comparison (Sport and Recreation Zone and Mixed Use Zone)

Given the proposed variation request did not include specific development parameters, assessment of the Short-term Accommodation use will be conducted via the purpose and supporting overall outcomes within the Sport and Recreation and Mixed Use Zone Codes.

The Sport and Recreation Zone Code is to ensure *development is designed to meet community needs for sporting and active recreation purposes; development maximises community access and use of land for sport and active recreation purposes; development minimises impacts where adjoining residential land and other sensitive receiving uses; large scale sporting facilities that serve the regional population are located in accessible locations within Gladstone, Boyne Island, Tannum Sands, Calliope and Agnes Water.*

The Applicant outlines the subject site is an established commercial and recreational precinct and the current zoning and associated Zone Code do not adequately reflect the existing uses, nor the Sports Club future vision. However, the Applicant has only sought to vary the planning scheme to consider future expansion of the short-term accommodation component onsite.

As part of the Applicant's response to Council's Further Advice Notice, the Applicant proposes any future assessment should be conducted against the Mixed Use Zone Code.

The purpose of the Mixed Use Zone Code is to *provide for a mixture of development that may include business, retail, residential, tourist accommodation, community, service industry, entertainment and associated services; establish urban revitalisation areas in parts of the Valley, Toolooa Street west and the CBD fringe as high quality mixed use centres where people can live, work and play in Gladstone's inner city areas; create an urban form characterised by high quality building design and streetscape outcomes; ensure a level of amenity commensurate with an urbanised mixed use area; provide opportunities for development which meets the short term accommodation needs of the resources and tourism sectors.*

The planning scheme has identified neighbourhood centre, specialised centre and mixed use zone within close proximity to the subject site that has been acknowledged as one of the urban revitalisation areas. Although the subject site presents some similar attributes to that of a Mixed Use zone, the uses remain of a nature and scale complementary to the predominating sport and recreation intent. These factors have not been suitably addressed within the common material to justify the approval of the Variation Request and the proposed Development Code which would vary the planning scheme.

The remainder of the proposed Development Code (Variation Request) aligns with the current Planning Scheme by including assessment benchmarks against the relevant Overlay Codes, Development Design Code and Landscaping Code. Therefore, there are no identified inconsistencies with these other benchmarks.

In summary, whilst the subject site reflects some attributes aligned with the provisions of the Mixed Use Zone, it remains relevant that any intended future development should not result in the demise of the Sport and Recreation facilities on site and that uses should be of scale that are complementary to the existing development as a sport and recreation, entertainment precinct.

This variation request would also result in the community not being able to exercise their right as a submitter to future development proposals for Short-term Accommodation on the site. Development should be limited such that no further encroachment shall occur into Sport and Recreation used land; therefore, limiting the development footprint on site. This also maintains adequate separation of the uses from the adjacent low scale residential land.

With reference to the planning scheme inconsistencies, lack of supporting information to overcome the identified noncompliance, and the removal of submission rights from the community on future development applications, it is determined that the proposal fails to satisfy the assessment considerations outlined in section 61 (a) to (d) and is therefore recommended that the Variation Request for a Material Change of Use for Short-term Accommodation be refused.

DEVELOPMENT PERMIT – THEATRE

In accordance with section 45(5) of the Act, Impact Assessment is *assessment that must be carried out against the assessment benchmarks in a categorising instrument for the development; and having regard to any matters prescribed by regulation for this subparagraph; and may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.*

State Planning Policy

The SPP articulates the State Interests that have been identified as critical to protecting and enhancing Queensland and delivering developments. The SPP has effect throughout Queensland and sits above regional plans and Planning Schemes in the hierarchy of planning instruments. An assessment against Part E: Assessment Benchmarks will be required as the Planning Scheme has not been integrated with the current SPP state interest policies. An assessment has been carried out against each applicable State Interest.

State Interest	Trigger	Assessment
Natural Hazards, Risk and Resilience	Flood Hazard Area (Local Government Flood Mapping Area)	Complies – The proposal will not intensify the natural hazard, nor will it increase risk to people or property. In addition, the Local Government (GRC Mapping) does not identify a flood risk on the development site.
Strategic Airports and Aviation Facilities	Lighting Area Buffer and Wildlife Hazard Buffer	Complies – the development does not result in reflective surfaces that could distract or confuse pilots. However, to ensure all lighting meets the relevant standards, a condition has been recommended for the associated Building Works application to meet the Australian Standard for outdoor lighting and reflective materials. Furthermore, the proposal will mitigate the increase to wildlife through regular waste collection that is suitably screened and semi enclosed.

Planning Scheme

Strategic Framework – Centre Activities

The strategic framework outlines the centre hierarchy within the Gladstone region and how each zone operates with a different focus on commercial activities. Consideration of the proposal is two (2) fold; the suitability for the entertainment use (i.e. Theatre) to be located on the subject site (not centre zoned), and the relocation being in conflict with the planning scheme's vision for the use in the centre zoned (current location).

The theme, Gateway to the World depicts four (4) levels of centre activity via Strategic Outcomes 8 to 11 which have been included below.

8. The region's major shopping centres must reflect true mixed use centres in providing for a range of entertainment, community and residential uses and not just retailing.

9. Business, and centre activities including retail uses occur in the region's mixed use centres and in urban revitalisation neighbourhoods only where in the Mixed use zone. They are not supported in residential zones. Development within these areas ensures the viability of the region's hierarchy of centres is maintained.

10. Neighbourhood centres are limited to providing convenience level services for the day to day needs of surrounding local residential neighbourhoods.

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.

Within this theme, the above outcomes are further articulated within the Local Business Element which state the region's mixed use centres and urban revitalisation neighbourhoods occur in the Neighbourhood centre, Centre, Principal centre, Mixed use and Specialised centre zones. Business and centre activities occur in these

zones and are not supported in residential zones as this is inconsistent with the form, function and amenity of residential neighbourhoods.

Mixed use centres are intended to incorporate a variety of uses which varies depending on the role and function of the area. The intent for these areas is that they are not dominated by a single use, but rather include a range of retail, commercial, entertainment and community uses which increases activity during and after regular business hours.

The strategic theme then orders the region's four (4) levels of centre activity from largest to smallest:

1. Principal Centre - CBD
2. Major Shopping Centres
 - Kin Kora
 - Gladstone Central
 - Kirkwood Road
 - Boyne Island
 - Tannum Sands
 - Calliope
 - Agnes Water
3. Neighbourhood Centres
4. Specialised Centres

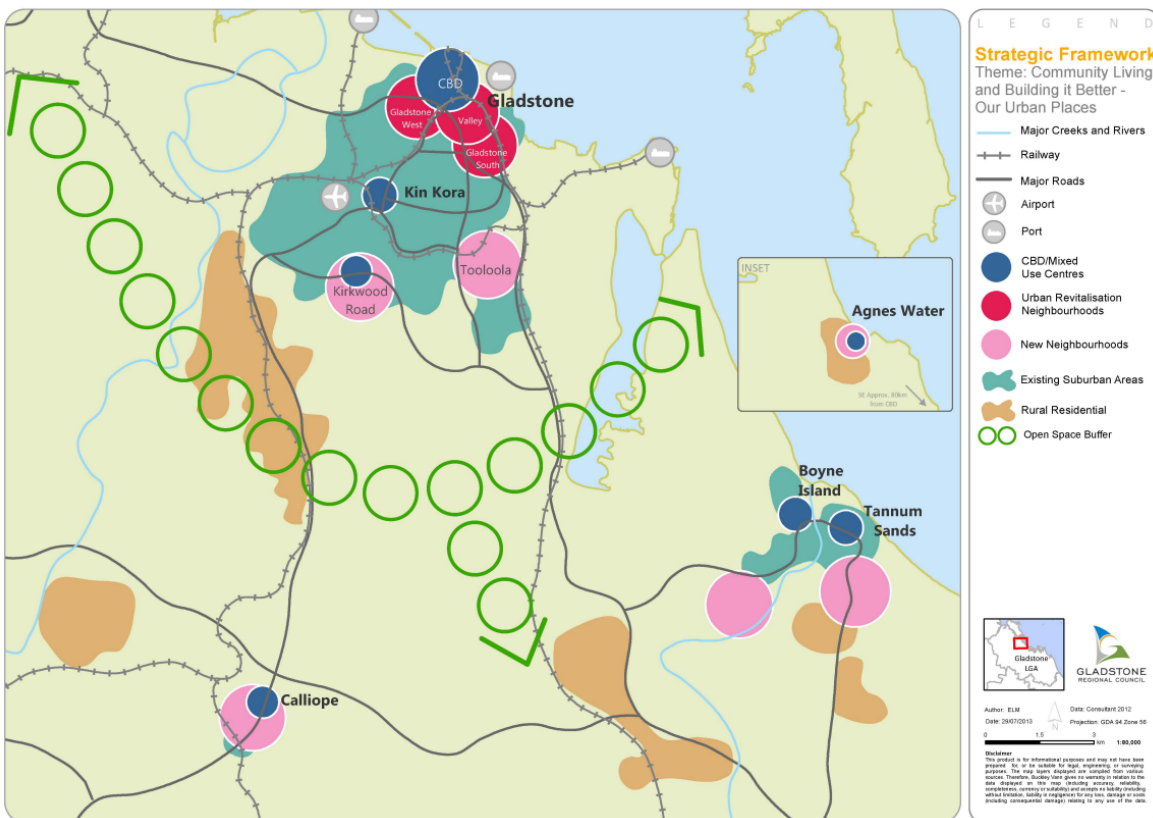


Figure 17: Designated Urban Places within the Strategic Framework

With reference to the subject site which is currently located outside of the aforementioned centre zones and mixed use zone, it has been acknowledged via previous Development Approvals that the site has an existing mix of commercial, entertainment and sporting activities. It is further acknowledged that while this mix is established in the Sport and Recreation Zone, the subject site is not a new centre, replacing or competing with an existing centre zone, rather, it seeks to establish an additional entertainment use onsite to complement the operating uses and support the established centre corridor to the west.

The site is located on the outer fringe of the centre corridor to the west, which includes Neighbourhood Centre, Specialised Centre and Mixed Use Zone, and is also within proximity to the earmarked Gladstone South Urban Revitalisation Neighbourhood. Therefore, there are some synergies with the adjacent land and what is envisaged within those spaces, however, on balance, a review of the impacts on the identified preferred zones is required.



Figure 18: Gladstone South Urban Revitalisation Neighbourhood

Within the planning scheme's centre vision, a Theatre use can be located in the following zones as Code Assessable development

- Principal Centre Zone
- Centre Zone
- Specialised Centre Zone – Central Gladstone Precinct and Toolooa Street East Precinct
- Mixed Use Zone

Although a Theatre use is recognised in all the centre zone levels, this is not the only use that provides entertainment options to the general public. Each centre zone has varying uses that provide commercial, entertainment and community uses which assist in achieving true mix of development options for the public to access and enjoy. This is further articulated via Building it Better - Strategic Outcome 4 which states *mixed*

use centres are designed as true town centres of economic and community life, rather than just 'big box' shopping centres.

Furthermore, the existing Theatre operator has 'purpose built' a Theatre in the below locations prior to this application:

- Corner of Hixon and Manning Street which was located in an industry zone (Ref: DA/6/2000). This construction resulted in 371 seats over four (4) cinema rooms
- 57-69 Dawson Highway (current location at Gladstone Central) in a commercial zone (Ref: DA/4116/2004). This later construction was approved for 600 seats with seven (7) cinema rooms in a total area of 1,710m². There has been modifications completed since the approval.

Of particular note, when the Theatre was operational from the industrial area, the existing centres were not adversely impacted from this use occurring outside the designated commercial areas.

The Applicant noted within the common material that *the existing cinema facility at Gladstone Central was originally developed as an adaptation of a previous design to accommodate cinemas on an opportunistic basis. This is reflected in operational constraints at the existing location which reduce the ability to make necessary and/or desired investments in cinema technology and improvements to customer amenity.* The Applicant later suggests that this outcome could not occur to the same high standard within the existing facility at Gladstone Central which is understood to have physical constraints to improvements not available in a new purpose-built facility as is now proposed.

The Gladstone Central centre is currently split over three levels with the traditional shopping centre 'big box' built form fronting the Dawson Highway. The 3 transitioning levels were in response to the topography of the site which can be viewed via Figures 19 to 22.



Figure 19: Gladstone Central 'top' level



Figure 20: Gladstone Central 'mid' level



Figure 21: Gladstone Central 'lower' level

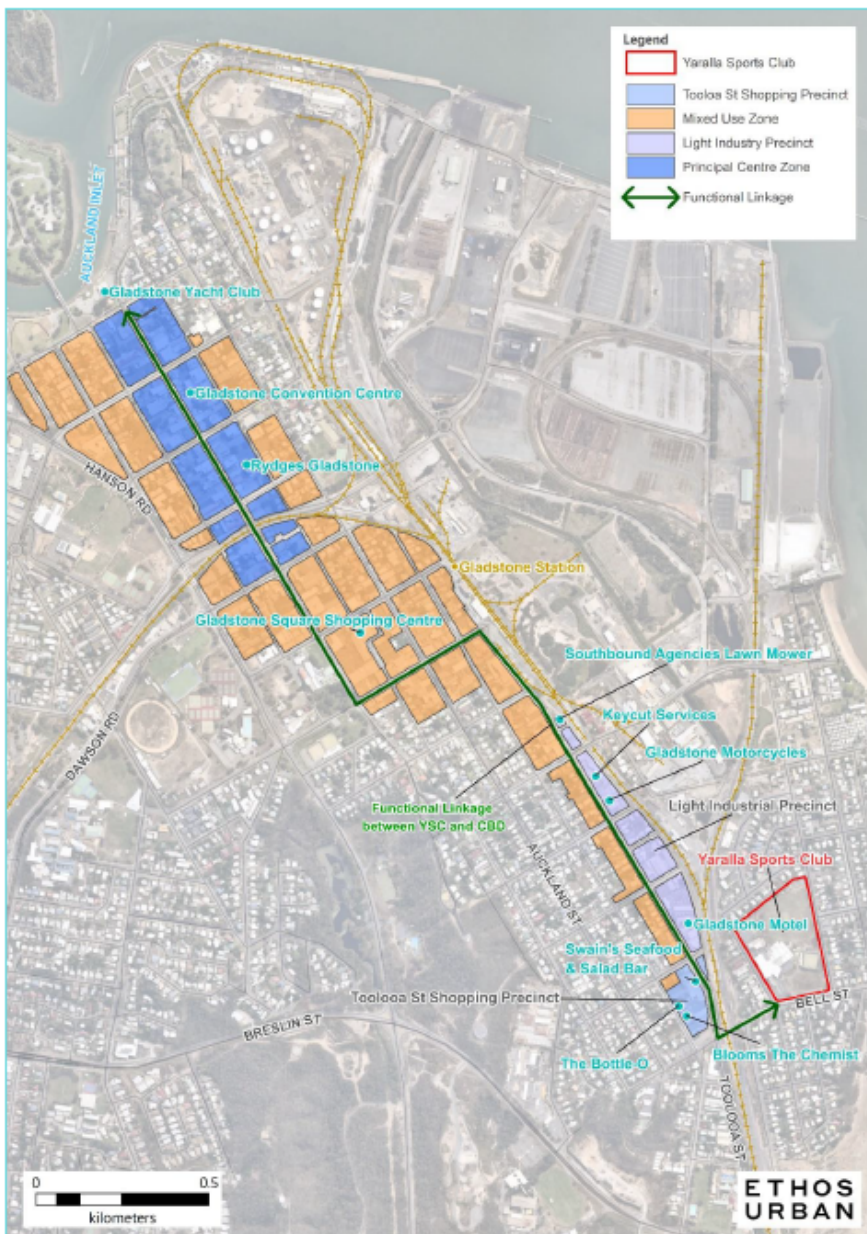


Figure 22: Gladstone Central 'lower' level

On that basis, the Applicant anticipates that the *new facility will deliver a superior cinema offer to the general community in a location with a high degree of amenity. The suggested benefits from co-location with complementary leisure, sporting and entertainment uses at a facility is well-known and utilised by residents and visitors to the Gladstone region. The Theatre will enhance the site's profile, leveraging synergies with other uses – including the two restaurants, cafe and bar areas – to provide patrons with a comprehensive entertainment and dining experience.*

The proposed Theatre at the subject site is considered to integrate with the existing uses already established, provide an additional use destination for the Gladstone South Revitalisation Neighbourhood and does not present adverse impacts on the viability of other centres, nor does it seek to create a new centre. The proposal would further complement the adjacent zones which are impacted by limited land size, restricted access, existing built form, and established uses yet to transition in accordance with the planning scheme's vision.

It is suggested in the submitted 'Economic Needs Assessment' prepared by Ethos Urban in relation to the proposed Theatre, *that a mix of commercial and general business uses are located along the Toolooa Street shopping precinct which provides a continuous active link between the subject site, Gladstone South and the Gladstone CBD.* This is further illustrated in Figure 23.



Source: Ethos Urban; Proposed Cinema Development

Figure 23: Extract from submitted 'Economic Needs Assessment'

Although the submitter's comments suggest that the relocation of the Theatre from centre zoned land would undermine the centre hierarchy, in contrast, the use would not result in a new centre, would not compete with an existing centre and has existing attributes that would complement the adjoining centre corridor. As such, it is considered the perceived conflict with the centre hierarchy, and the proposed location outside this zone does not warrant refusal of the development of a Theatre at the subject site.

Strategic Framework – Redevelopment

The strategic framework also highlights the established urban footprint and considerations for urban redevelopment within the Gladstone region. In particular, Community Living and Building it Better themes recognise the following:

2. The region's urban footprint as expressed in its new neighbourhoods, urban revitalisation neighbourhoods, mixed use centres and the Gladstone CBD will accommodate the region's population and housing growth over the next 20 years.

2. Urban redevelopment and higher density housing occurs in urban revitalisation neighbourhoods across identified residential neighbourhoods and mixed use centres.

Urban revitalisation neighbourhoods are generally older urban areas close to the Gladstone CBD and other key locations. They are reflected across residential and mixed use neighbourhoods and occur in the Low-medium density, Medium density and Mixed use zones. Urban revitalisation neighbourhoods usually are well located to public transport, and walking and cycling routes to the Gladstone CBD and other locations. They offer excellent access to services, parks and have infrastructure capacity to support higher densities of development. Of particular note, the strategic framework states *the Toolooa Street shopping centre provides a major redevelopment opportunity to anchor Gladstone south and reinforce the gateway entry into the Valley and CBD.*

Despite the subject site being located on the outer fringe of the centre corridor and recognised Gladstone South Revitalisation neighbourhood, the proposal further connects an existing popular entertainment venue with adjacent centre nominated by the planning scheme for redevelopment. A destination use such as a Theatre will assist in achieving the Gladstone South revitalisation vision.

As acknowledged in the later assessment components, the site is suitably located, has sufficient servicing capacity and has access to various transport modes.

Strategic Framework – Accessibility and Lifestyle Choices

The strategic theme for Connecting Our Places talks to access via different modes and highlights the need for a range of facilities to accommodate the community's lifestyle opportunities. This is further expressed via the below strategic outcomes

1. Communities are well connected to each other. Neighbourhoods are linked to centres, employment and recreation areas by an integrated transport system across a mix of modes that meets a range of mobility needs and offers choice about how to move around the region.

3. All communities have access to a range of facilities and services, public spaces, open space, sport and recreation areas.

Community wellbeing is supported at local and regional scales through development that contributes community services, facilities and infrastructure to meet community needs. Local communities in urban locations are provided with necessary community services and sporting facilities to meet their local needs. The planning scheme acknowledges community wellbeing achieved via people having choices about how they access these services that include walking, cycling and public transport. Community facilities are established in mixed use centres and the Gladstone CBD co-located with service, business and entertainment uses that provide multi-purpose destinations.

The site is well located and the existing entertainment facilities on site in conjunction with the new theatre tailored to the Gladstone market is likely to improve patronage to the site and increase the use of the existing public transport in the revitalisation neighbourhood.

Furthermore, the current offering of the Yaralla Lifestyle Package includes access to fitness centres, sporting facilities (golf, aquatic, tennis, squash), the Sports Club, Mercure accommodation and movies. As there is an established relationship between the operation of the current premises and the cinema offering, this further supports the compatibility of uses on the site as part of the Yaralla package.

On balance, the proposal does not detract or reduce the operation of the facility for its current sport and recreation activities in the form of teams having access to various sporting fields and facilities on the adjoining site and throughout the region. The proposal does not impact on the operation of these affiliated clubs and rather will continue to grow their membership by virtue of networking opportunities and increased

patronage to the site. Similarly, the increase in revenue will further support the operation and growth of these sub clubs within the community. This along with gaming, bingo and raffles presents an entertainment environment, separate to the established centre zones, yet complementary to spectator and sporting entertainment.

Whilst the Act states that financial impacts are not a consideration, the risk that the Gladstone region does not have an operating Theatre is of concern. The current population of the region suggests one (1) cinema (acknowledged in both the common material and submitter's material) is sufficient to provide this type of entertainment choice to the community. Additionally, there is community support for the redevelopment of the Theatre at the proposed location. This was highlighted via the Council unanimously voting in support of the previous Development Application. Favourable newspaper articles and a positive reception by the community on social media about the approval were received.

Overall, the proposal is considered to balance both recreational and entertainment uses onsite that have a direct connection that complement one-another.

Sport and Recreation Zone Code

As per Acceptable Outcome 2.2, the proposed development footprint is greater than 400m². As such, the development will be assessed against Performance Outcome 2 which stipulates *built form is of a height and scale that is low-medium rise and visually unobtrusive, protects residential amenity and minimises overshadowing and overlooking where adjoining an existing residential use or a residential zone, and does not restrict access to, utility or enjoyment of the land for sport and recreation purposes.*

In response, the proposal represents a built form which will be medium rise and visually unobtrusive given the continuation of the existing architectural treatments on the external facades. The position of the proposed Theatre reflects an infill development given the constructed uses and their layout. This further protects adjoining amenity and eliminates any overshadowing from the Theatre to the surrounding (not adjoining) residential area. The proposal will not restrict access to, utility or enjoyment of sport and recreation facilities. As such, it is considered that the proposal generally complies with Performance Outcome 2.

Within the common material, the Applicant has stated that the Theatre will operate between 9am and 1am. It is further noted that the existing Motel has unlimited hours, the Gladstone Events Centre has 5am to 12am and the Yaralla Sports Club is between 10am and 4am. The proposed hours of operation do not meet the intent of Acceptable Outcome 5 which states *hours of operation are limited to between 7am and 10pm each day.* This will result in assessment against the corresponding Performance Outcome.

Performance Outcome 5 outlines that *development must not unreasonably affect the amenity of the surrounding area.* The proposal will be conducted wholly indoors and will be acoustically treated to reduce any unreasonable noise for the surrounding amenity. The proposed position of the Theatre adds additional separation from the use to surrounding established residential sites.



Figure 24: Proximity to surrounding residential uses

As the proposal will incorporate appropriate acoustic treatment and does not intend to operate outside of the existing uses varying hours of operation, it is considered that the proposal complies with Performance Outcome 5 noise impacts.

Performance Outcomes 6 and 7 seek to facilitate and support the enjoyment and use of the land for sport and recreation purposes. The proposed development does not directly support the envisaged sport and recreation purpose of the land, nor is it recognised as a compatible community related activity to the sporting function of the zone. Given the non-compliance with these Performance Outcomes, the proposal will be assessed against an Overall Outcome.

Overall Outcome (a) states that *areas available for active sport and recreational pursuit such as playing fields, equestrian facilities, outdoor cultural facilities, educational activities, public swimming pools and outdoor courts are provided*. The subject site has been developed over the last 20 years to create a commercial, entertainment and recreational precinct with uses such as a Licensed Venue, Motel and Fitness Centre. These existing uses were approved under the superseded *Gladstone Plan 2006*, which was designated as Open Space Zone – Eastern Harbour Locality, to compliment the Yaralla Sports Club and adjoining sporting field. Notwithstanding this, the proposed Theatre will continue to provide an entertainment use in addition to the established uses onsite.

The purpose of the Sport and Recreation Zone Code is to ensure *development is designed to meet community needs for sporting and active recreation purposes, development maximises community access and use of land for sport and active recreation purposes, and development minimises impacts where adjoining residential land and other sensitive receiving uses*.

Within the Gladstone region, there are approximately 20 other sites located within the Sport and Recreation Zone (not including Open Space) that could appropriately facilitate active sport and recreation development. Out of these sites, the strategic framework has nominated the Gladstone Showground/Racecourse and Rigby Park Complex and Aquatic Centre as the major sporting facilities. Furthermore, the adjacent lot to this site

has been developed as a sporting field which accommodates various sporting needs (currently has an active lease over the two lots between property owners).

Despite non-compliance with the Sport and Recreation Zone Code, the proposed development on this site does not compromise existing sporting and recreational opportunities currently operating on this site and within the greater region.

Apart from the economic benefits from additional construction, the ongoing benefits include increase in the Sport Club patronage and registration as a result of networking at the site. Furthermore, potential to increase patronage at the adjacent centre zoned land on Toolooa Street with the potential to promote redevelopment in that location in line with the planning scheme intent highlights further economic benefits.

Given the development satisfies the built form requirements of the planning scheme and will improve activation and connectivity in the Gladstone South Revitalisation area, the benefits of the proposal are more than offset by the impacts. The perceived impacts raised by the submitters are consistent with the existing environment that the site operates within and the built form reflects an extension of an established built form. As such, the proposed extension to the Sports Club is considered to continue to provide a variety of facilities for the Gladstone region as identified within the Strategic Framework and is considered to adequately overcome noncompliance with the planning scheme via other relevant matters.

Performance Outcome 15 requires development to be designed to achieve safety for all users. The proposal will result in the construction of a new car parking area towards the northern portion of the site which requires patrons to transverse approximately 70m to reach the cinema entrance. As part of Building Works, the Applicant will be required to install safe access into the Yaralla complex to increase casual surveillance within the building, in addition to installing suitable landscaping, lighting and direction signage for pedestrians. These design treatments will assist in ensuring the safety of the patrons at the subject site, whether they are accessing the existing facility or proposed Theatre. As a result of this condition, the development will be compliant with Performance Outcome 15.

Airport Environs Overlay

The subject site is located within 70-75m Obstacle Limitation Surface (OLS). The proposed Theatre will be constructed with a building height under 9m. Given the proposed development and associated construction phase will not protrude into the OLS or obstruct the operation of the Gladstone Airport, it is determined that the proposal complies with the Airport Overlay Code.

Development Design Code

The proposed development is located on an established lot. Thus, the lot has access to all existing services (water, sewer, electricity and telecommunication). Due to the proposal increasing the demand at site, the existing water and sewer connection points were assessed to determine whether there was sufficient capacity in the surrounding systems for the proposed development and if the water pressure would be adversely affected as a result of the proposed use. It was determined that no upgrades would be required as a result of this development application.

As per Acceptable Outcome 4.2, the development is to ensure all fire fighting infrastructure is located within private property and is owned and maintained by the land owner. To determine the fire fighting requirements, the Building Application will require a referral to Queensland Fire Emergency Services (QFES). A condition has been included to guarantee that the equipment will meet sufficient capacity and is located within the subject site boundary. This condition will demonstrate compliance against Acceptable Outcome 4.2.

The proposed development will not result in a significant increase to impervious area of the site, therefore overall stormwater discharge from the site is unlikely to change between existing and proposed stages. As such, the proposal generally complies with Acceptable Outcome 5.1.

Acceptable Outcome 9 states that car parking and bicycle parking is provided on site in accordance with the rates specified in the Parking Rates Planning Scheme Policy. Within the common material, the Applicant has detailed the part demolition to the Sport Club and subsequent reduction in required parking capacity. As per the Parking Rates Schedule, the proposed Theatre requires the following car parking and bicycle spaces.

Prescribed Parking Rate	Required Parking	Proposed Parking
Club (Partial demolition)	229 car parking spaces	Removing 23 spaces
Theatre (Proposed)	78 car parking spaces 4 bicycle spaces	Proposed 0 spaces

The Applicant will remove 23 spaces as part of the demolition and new construction, with no proposed additional parking as part of Theatre application. This will result in a total of 250 constructed car parking spaces onsite which includes the minimum parking spaces for both the fitness centre and motel.

As such, the Applicant considered the proposal against the correlating Performance Outcome which states *development includes the provision of adequate and convenient car and bicycle parking on-site to satisfy the anticipated requirements of the activity*. To demonstrate how the proposal complies with this requirement, the Applicant prepared a Traffic Impact Assessment (TIA) to review expected parking numbers, actual demands and provided a summary that there is sufficient parking onsite for all existing and proposed uses. The report further stated on the small and infrequent shortfall, on-street parking would be accessible for the expected five (5) spaces.

Although the TIA suggests there is in fact enough parking onsite, the traffic count data was only collected from one (1) event in 2019 on a Friday evening. Furthermore, the existing parking spaces have been constructed in accordance with the approved permits to date which were calculated against the minimum requirements at the time of lodgement.

Furthermore, the previous Theatre application proposed demolishing the fitness centre and construction of 64 new spaces (plus 42 existing parking spaces which were constructed for the fitness centre), resulting in a total of 106 spaces associated with the Theatre use. It is noted the retention of the existing fitness centre is a positive outcome consistent with the Sport and Recreation Zone intent, further maintaining the sport and leisure mix of uses on site.

Consequently, it is proposed to condition the Applicant to supply 78 additional car parking spaces and four (4) bicycle spaces onsite as part of the Operational Works, thus complying with Acceptable Outcome 9. This would result in a total of 328 car parking spaces and six (6) bicycle spaces over the two properties (in accordance with the executed lease and future boundary realignment). The location of these spaces to the north and south of the site result in a compliant carparking solution for access to the adjacent sporting fields. These additional parking spaces ensure that all established uses and sporting clubs onsite will directly benefit, and advance the intent of the Sport and Recreation zone by improved access across the site and adjoining sporting fields.

Acceptable Outcome 11.1 states that *access driveways are designed and constructed in accordance with the Engineering Design Planning Scheme Policy, in accordance with AS2890 and certified by a Registered Professional Engineer of Queensland*. As per the recommended condition to supply the minimum parking spaces onsite, the proposal will include 328 car parking spaces. In accordance with the Engineering Design Planning Scheme Policy, a Type C1 driveway is required to access a car parking area with 251 to 500 spaces that have medium parking turnover from a minor road. In addition, driveways accessed by a service vehicle (such as a refuse vehicle) from a minor road are required to be Type B2 (7m). Therefore, it is proposed to

condition the Applicant as part of Operational Works to upgrade the existing crossover accessing the development site from O'Connell Street to a Type B2 (7m) and upgrade the existing the development site from Bell Street to a Type C1. This recommended condition will ensure compliance against Acceptable Outcome 11.1 and improve access to sport and recreation sites.

Acceptable Outcome 12 states that *manoeuvring, loading and unloading areas, and parking areas (car and bicycle) are designed and constructed in accordance with the Engineering Design Planning Scheme Policy, Imperviously sealed using concrete or asphalt bitumen, in accordance with AS2890 as amended, and certified by a Registered Professional Engineer of Queensland.* In accordance with Section 2.3.2 (a) of AS2890.1, *parking aisles for 90 degree parking shall be designed for two-way movement even though one-way movement may need to be imposed in some instances.* To ensure the recommended parking spaces are designed and constructed as per the relevant standards, a condition has been proposed to submit detailed plans as part of Operational Works application.

Additionally, the proposed plans do not depict disabled parking with the associated shared space. Therefore, a condition has been recommended to submit detailed plans as part of the subsequent Operational Works application showing the location of the dedicated disable parking and compliance with the relevant Australian Standard.

To provide additional pedestrian linkage from the existing footpath network and comply with Acceptable Outcome 13, the Applicant will be required to construct as part of the subsequent Operational Works a pedestrian footpath the full frontage of O'Connell Street, connecting into the existing footpath network that terminates at the corner of O'Connell and Bell Street (Figure 25).



Figure 25: Proposed Footpath connection

It is also noted that the pedestrian linkage from the external footpath network and internal parking areas do not promote clear delineation from vehicles and pedestrians. To increase pedestrian connectivity from mixed transport modes (vehicle, bicycle, bus or pedestrian), a condition has been recommended for the Applicant to submit a pedestrian connectivity plan that considers access from the external footpath and various carparking locations throughout the two sites. This plan will be required to consider the existing landscaping and lighting facilities to align with the Crime Prevention through Environmental Design (CPTED) and relevant standards for the proposed treatments.

It was noted that the existing waste agreement has a commercial operator collecting general waste twice weekly and recyclables weekly onsite. The proposal will not result in additional waste storage, however, may require more frequent servicing. To achieve compliance with Acceptable Outcome 21 which states *waste storage and management arrangements are sited, screened and designed in accordance with the Waste Management Planning Scheme Policy,* a condition has been recommended.

Landscaping Code

Acceptable Outcome 2.2 references that *a minimum of 50% of landscaped areas are to be covered in soft landscaping (turf areas and planting beds), with at least 25% of that area being planting.* The subject site will exceed more than 50% site cover, as such, it does not meet this benchmark and will be assessed against Performance Outcome 2.

Performance Outcome 2 outlines that landscape works and plant selection ensure an appropriate mix of soft and hard elements and provision of shade. Furthermore, Acceptable Outcome 7.1 requires shade trees to be located at the rate of 1 tree per 6 car spaces. To achieve these requirements, a condition has been recommended for the Applicant to submit a Landscape Plan detailing the preferred species and rates within the open air car parking space. This will result in compliance with the Landscaping Code.

Public Notification and Submissions:

By virtue of the level of assessment, Public Notification was required. As the Development Application seeks both a Variation Request and Development Permit, public notification was required for a minimum of 30 business days (as prescribed in the Act). The public notification period occurred between 10 December 2020 to 8 February 2021, with a total of two (2) Properly Made Submissions. The relevant content raised by the submitters referenced points such as conflict with the planning scheme strategic framework, inconsistent use with the Sport and Recreation Zone, and the lack of community and economic need for an additional Theatre.

Submission	Officer's Response
Application Status	
The Traffic Impact Assessment report submitted relies upon carparking area and associated vehicle access that are situated on the adjoining lot. This lot is considered to be part of the Development Application and consequently, the Development Application was required to be accompanied by the written consent of the owner of that land. The application was not accompanied by such written consent and as a result, the Development Application is not a "properly made application" for the purposes of the Act.	The Development Application seeking new uses onsite is for Lot 2 on SP247424, which is owned by Yaralla Sports Club. The existence of an executed lease and easement over the adjoining lot demonstrated the lawful access and use of the car parking area. As such, the proposal is deemed Properly Made in accordance with the Act.
Conflict with the Strategic Framework	
Approval of the proposed cinema would be clearly inconsistent with the Planning Scheme's hierarchy of centres and the provisions of the Strategic Framework, which we note are the highest order provisions in the Planning Scheme and prevail over all other components of the Planning Scheme in the case of an impact assessment, as is the case here. The Planning Scheme's strategic framework outlines the centre hierarchy within the region. The approval of the proposed cinema would constitute the approval of a centre activity on non-centre zoned land, in clear conflict with the	Whilst the planning scheme makes reference to a 'cinema' in the Strategic Framework in relation to Gladstone Central, this was merely a description on the operating uses at the time of preparing the planning scheme. To date, several changes in tenancies has occurred, seeing a shift in the previous after-hours retailing destination. The Gladstone Central complex, one of many centre zoned locations in the planning scheme, enjoys several provisions of Accepted Development pertaining to entertainment and recreational uses to balance the tenancy mix they desire, and the planning scheme acknowledges. Linking the success of the centre

<p>above discussed provisions of the Strategic Framework. It would also be inconsistent with the hierarchy of centres, by adversely impacting upon the ability of Gladstone Central to achieve the Planning Scheme's aspirations for the use of that site.</p> <p>Gladstone Central is included within the Centre zone and is identified by the Strategic Framework as a major shopping centre within its hierarchy of centres. The Strategic Framework also explicitly recognises the existence of a cinema within Gladstone Central and the role that cinema, amongst other uses, plays in Gladstone Central achieving the Planning Scheme's mixed-use aspirations for that centre (Gladstone Central) has been affected by the recent overall downturn in the local economy and is presently experiencing a number of vacancies, impacting its ability to function as a mixed-use centre in the way envisaged by the Planning Scheme.</p>	<p>to one of these use sis not prescribed by the planning scheme.</p> <p>It is noted by the Applicant within the response to submissions that the opportunity exists for the potential tenancy to be repurposed or redeveloped for a number of suitable development types (as set out in the planning scheme). This repurposed tenancy may align with the suggested renovation and marketing overhaul conducted by the current owner.</p> <p>When reviewing provisions of entertainment facilities for a region with the current population, it is considered restrictive to assume that entertainment uses can only be accommodated in centre zones, which are generally dominated by retail/commercial establishments (each site to be considered relevant to its values and constraints for such a use). As such, it is considered that other matters have balanced the inconsistencies with the planning scheme, thus recommending the development for approval.</p>
<p>Economic and Community Need</p>	
<p>The Ethos Urban Economic Need Assessment report submitted as part of the Development Application concedes that there is only a present need for one cinema complex within the Gladstone region and that this is unlikely to change in the short term, with the inevitable consequence being that the approval of the proposed cinema will likely result in the loss of cinemas from Gladstone Central.</p>	<p>The planning scheme has considered all centre zones as potential suitable locations for a Theatre but does not influence commercial competition. The common material submitted does not provide a detailed site analysis of potential suitably zoned sites.</p> <p>It is acknowledged that both Economic Needs Assessment reports state the current population is suitable for one (1) Theatre operator. Additionally, the Applicant seeking the establishment of a Theatre at this location will result in the relocation from the existing site; maintaining one cinema operator in the region.</p> <p>As previously discussed, the proposal does not preclude future development or redevelopment of the Gladstone Central complex.</p> <p>Given the longstanding lifestyle package provided by Yaralla Sports Club that includes the cinema benefits with the current operator, the Applicant has proposed the subject site to acknowledge the existing relationship and build upon the Club's presence in the Gladstone community. This has been considered as a positive outcome which outweighed the negatives associated with the zoning requirements in the planning scheme.</p>

Conflict with the Zone	
<p>The Planning Scheme is clear that the only uses intended to be accommodated in the Sport and Recreation zone are sporting and active recreation uses, non-recreation uses that support such uses and compatible community-related activities. The proposed cinema cannot properly be characterised as any of those uses and the approval of the proposed cinema would consequently be inconsistent with the purpose, overall outcomes and performances outcomes in the Sport and Recreation zone code.</p>	<p>The non-compliance with the Sport and Recreation Zone is not sufficient to refuse the proposal without consideration of the existing uses on the site and other relevant matters. The proposal does not impact on the operation of the existing uses, including the sport and recreation components.</p> <p>In a regional context, the provision of alternative entertainment locations separate to centre orientated development promotes choice and variety of social activation where appropriately located. In response, although the proposal has not been envisaged in the current location or zone by the planning scheme, the Theatre will not undermine the Sport and Recreation Zone intent and has balanced the merit of the proposal on this site to justify an approval.</p>
Amenity	
<p>The Development Application also fails to demonstrate that there will be no unreasonable amenity impacts from the proposed cinema (required for compliance with P05 of the Sport and Recreation zone) as a consequence of the extended trading hours (to 1 am), which we note is 3 hours later than the acceptable outcome of 10pm, in circumstances where the proposed development is located within an established low-density residential area.</p>	<p>The proposal complies with the built form requirements of the planning scheme and there is a clear absence of amenity impacts from the existing premises by virtue of the nature of the built form for the proposed use and integration with the existing established uses onsite. Impacts from the proposal are unlikely to be greater than the existing operation well known and accepted at this site with operation hours of 5am to 4am each day.</p> <p>Furthermore, the proposal is sufficiently separated from the residential land by either car parking, road reserve or the adjoining sporting fields to mitigate noise and lighting impacts.</p>
Car parking	
<p>The Traffic Assessment Report, that in the absence of the carparking areas on Lot 1, the carparking provision provided on Lot 2 is inadequate and consequently, the proposed development would be inconsistent with the purpose, overall outcomes and performances outcomes of the Development design code.</p>	<p>To demonstrate compliance against Acceptable Outcome 9 of the Development Design Code, a condition has been recommended for the Applicant to construct the minimum parking and bicycle spaces in accordance with the planning scheme policy. As such, the proposal complies with the relevant assessment benchmarks.</p>
Relocation	
<p>The current cinema complex is completely adequate for this city. It is purposely constructed and located in a city complex whereas Yaralla is basically a sports complex and should remain as such. Should Yaralla be given the approval sought the current cinema complex will probably end up another white elephant in our city centre. This is something we</p>	<p>Given the array of suitable uses within the Centre Zone, there is foreseen opportunity to redevelop the tenancy, demonstrating that blight is an unlikely outcome at the current premises, noting the cinemas current location and street presence is not unique result in positive redevelopment outcomes.</p>

should avoid as we have so many empty complexes around town at present.	
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The submissions received during the public notification period have been attached in full.

Summary:

In assessment of this development proposal there are two very different uses to consider and their role within the Sport and Recreation Zone that the land is included within. Whilst conflict with the zone is relevant for both assessments, court decisions under the *Planning Act 2016* have detailed the relevance of the public interest in those considerations. Whilst being cognisant that the Planning Scheme is the visionary document for future growth, the Act sets out the provisions under which Variations to the Planning Scheme can be considered. Similarly, the Court has upheld decisions where conflict exists, however the merits of an application along with demonstrated public interest have outweighed the conflicts in favour of approval.

With this in mind, and with the detailed assessment in the above report, the request for Variation to the Planning Scheme has been recommended for refusal given the higher order conflicts with the Strategic Framework and the lack of justification for approval despite those conflicts.

The Theatre application however, has been recommended for approval on the basis that whilst conflicts exist, based on the type and nature of the use there are sufficient grounds to recommend approval of the development given its complementary nature to the existing Sport and Recreation uses on site, the benefits of the proposal outweighing the conflicts, the lack of adverse amenity outcomes and the compliance with assessment benchmarks via conditions. Overarching this recommendation is the purpose of the Act by providing for the cultural and social wellbeing of people and communities, noting that that maintaining the provision of a contemporary cinema offering in a regional context has strong community support.

Officer's Recommendation:

That Development Application 37/2020 for a Variation Request for a Material Change of Use of Premises for a Short-Term Accommodation Use be refused and the Development Permit for a Material Change of Use of Premises for a Theatre (Cinema) located at 20 O'Connell Street, Barney Point QLD 4680 be approved, subject to reasonable and relevant conditions.

Statement 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 of Premises for a Theatre (Cinema) located at 20 O'Connell Street, Barney Point QLD 4680.

Assessment benchmarks:

Benchmarks applying to the development:	Benchmark reference:
<i>State Planning Policy July 2017</i>	<ul style="list-style-type: none">• State Interest – Natural Hazards, Risk and Resilience; and• Strategic Airports and Aviation Facilities.
<i>Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2</i>	<ul style="list-style-type: none">• Strategic Framework;• Airport Environs Overlay Code;

	<ul style="list-style-type: none"> • Sport and Recreation Zone Code; • Development Design Code; and • Landscaping Code.
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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 Variation Request conflicts with the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* based on the common material submitted.
3. The Theatre does not comply with elements of the Strategic Framework or Sport and Recreation Zone Code. However, a balanced assessment with consideration of other relevant matters was conducted to determine no adverse impacts from the proposal, thus approving the Theatre at the subject site.

Reasons for refusal of the Variation Request component:

- Economic and Community Need for additional Short-term Accommodation in Gladstone has not been determined.
- The suitability of this site and zone as an appropriate location for (additional) Short-term Accommodation under the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* has not been demonstrated.
- Location, size and scale of the proposed Short-term Accommodation has not been demonstrated via a Master Plan.
- The rights of the community should be protected in maintaining the right to view, consider/comment or make submission on development that has not addressed the above points.
- There is no community benefit to vary the Planning Scheme for this use type.
- The proposal is in conflict with the Strategic intent of the Planning Scheme.
- The proposal does not overcome the conflict with the Sport & Recreation Zone.

Reasons for approval of the Material Change of Use (Theatre) despite any non-compliance with certain benchmarks:

Benchmark reference:	Reasons for the approval despite non-compliance with benchmark:
Strategic Framework – Theme 3.3 – Gateway to the World	Consideration of other relevant matters to balance the noncompliance with the Strategic Framework.
Strategic Framework – Theme 3.4 – Community Living	Consideration of other relevant matters to balance the noncompliance with the Strategic Framework.
Strategic Framework – Theme 3.6 – Building it Better: Our Urban Areas	Consideration of other relevant matters to balance the noncompliance with the Strategic Framework.
Sport and Recreation Zone Code – Table 6.2.8.3.1 – Acceptable Outcome 4.1 and 4.2.	Compliance with Sport and Recreation Zone Code – Table 6.2.8.3.1 - Acceptable Outcome 4.1 and 4.2 via a condition.
Sport and Recreation Zone Code – Table 6.2.8.3.1 – Performance Outcome 6 and 7.	Consideration of other relevant matters to balance the noncompliance with the Zone Code were considered.
Sport and Recreation Zone Code – Table 6.2.8.3.1 – Performance Outcome 15.	Compliance with Sport and Recreation Zone Code – Table 6.2.8.3.1 – Performance Outcome 15 via a condition.

Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 4.2.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 4.2 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 9.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 9 via a condition.
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 12.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 12 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 13.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 13 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 and 22.1.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 and 22.1 via a condition.
Landscaping Code – Table 9.3.5.3.1 – Acceptable Outcome 2.2.	Compliance with Landscaping Code – Table 9.3.5.3.1 – Performance Outcome 2.2 via a condition.
Landscaping Code – Table 9.3.5.3.1 – Acceptable Outcome 7.1.	Compliance with Landscaping Code – Table 9.3.5.3.1 – Acceptable Outcome 7.1 via a condition.

Relevant matters for impact assessable development:

- The proposed development of a theatre (cinema) represents a logical, appropriate and complementary addition to approved lawful uses being undertaken on the Land in support of Sport & Recreation activities on site.
- The proposed development would not reduce the community’s access to an appropriate range of sport and recreation facilities at this site, or the wider region.
- The proposed development provides a public benefit by developing a modern and attractive cinema offering incorporating a purpose built facility designed for a regional community.
- The proposed development and associated parking would complement the adjoining sporting fields ability to operate with improved direct access and parking.
- The proposed development will not result in any adverse amenity outcomes to adjoining areas.
- The proposed development advances the purposes of the *Planning Act 2016* by providing for the cultural and social wellbeing of people and communities.
- The proposed development and conditions comply with the assessment benchmarks
- The proposed development has strong community support

Matters raised in submissions for impact assessable development:

Submission	Officer’s Response
Application Status	
The Traffic Impact Assessment report submitted relies upon carparking area and associated vehicle access that are situated on the adjoining lot. This lot is considered to be part of the Development Application and consequently, the Development Application	The Development Application seeking new uses onsite is for Lot 2 on SP247424, which is owned by Yaralla Sports Club. The existence of an executed lease and easement over the adjoining lot demonstrated the lawful access and use of the car parking area. As such, the proposal is

<p>was required to be accompanied by the written consent of the owner of that land. The application was not accompanied by such written consent and as a result, the Development Application is not a "properly made application" for the purposes of the Act.</p>	<p>deemed Properly Made in accordance with the Act.</p>
<p>Conflict with the Strategic Framework</p>	
<p>Approval of the proposed cinema would be clearly inconsistent with the Planning Scheme's hierarchy of centres and the provisions of the Strategic Framework, which we note are the highest order provisions in the Planning Scheme and prevail over all other components of the Planning Scheme in the case of an impact assessment, as is the case here.</p> <p>The Planning Scheme's strategic framework outlines the centre hierarchy within the region.</p> <p>The approval of the proposed cinema would constitute the approval of a centre activity on non-centre zoned land, in clear conflict with the above discussed provisions of the Strategic Framework. It would also be inconsistent with the hierarchy of centres, by adversely impacting upon the ability of Gladstone Central to achieve the Planning Scheme's aspirations for the use of that site.</p> <p>Gladstone Central is included within the Centre zone and is identified by the Strategic Framework as a major shopping centre within its hierarchy of centres. The Strategic Framework also explicitly recognises the existence of a cinema within Gladstone Central and the role that cinema, amongst other uses, plays in Gladstone Central achieving the Planning Scheme's mixed-use aspirations for that centre (Gladstone Central) has been affected by the recent overall downturn in the local economy and is presently experiencing a number of vacancies, impacting its ability to function as a mixed-use centre in the way envisaged by the Planning Scheme.</p>	<p>Whilst the planning scheme makes reference to a 'cinema' in the Strategic Framework in relation to Gladstone Central, this was merely a description on the operating uses at the time of preparing the planning scheme. To date, several changes in tenancies has occurred, seeing a shift in the previous after-hours retailing destination.</p> <p>The Gladstone Central complex, one of many centre zoned locations in the planning scheme, enjoys several provisions of Accepted Development pertaining to entertainment and recreational uses to balance the tenancy mix they desire, and the planning scheme acknowledges. Linking the success of the centre to one of these uses not prescribed by the planning scheme.</p> <p>It is noted by the Applicant within the response to submissions that the opportunity exists for the potential tenancy to be repurposed or redeveloped for a number of suitable development types (as set out in the planning scheme). This repurposed tenancy may align with the suggested renovation and marketing overhaul conducted by the current owner.</p> <p>When reviewing provisions of entertainment facilities for a region with the current population, it is considered restrictive to assume that entertainment uses can only be accommodated in centre zones, which are generally dominated by retail/commercial establishments (each site to be considered relevant to its values and constraints for such a use). As such, it is considered that other matters have balanced the inconsistencies with the planning scheme, thus recommending the development for approval.</p>
<p>Economic and Community Need</p>	
<p>The Ethos Urban Economic Need Assessment report submitted as part of the Development Application concedes that there is only a present need for one cinema complex within the Gladstone region and that this is unlikely to change in the short term, with the inevitable consequence being that the approval of the</p>	<p>The planning scheme has considered all centre zones as potential suitable locations for a Theatre but does not influence commercial competition. The common material submitted does not provide a detailed site analysis of potential suitably zoned sites.</p>

<p>proposed cinema will likely result in the loss of cinemas from Gladstone Central.</p>	<p>It is acknowledged that both Economic Needs Assessment reports state the current population is suitable for one (1) Theatre operator. Additionally, the Applicant seeking the establishment of a Theatre at this location will result in the relocation from the existing site; maintaining one cinema operator in the region.</p> <p>As previously discussed, the proposal does not preclude future development or redevelopment of the Gladstone Central complex.</p> <p>Given the longstanding lifestyle package provided by Yaralla Sports Club that includes the cinema benefits with the current operator, the Applicant has proposed the subject site to acknowledge the existing relationship and build upon the Club's presence in the Gladstone community. This has been considered as a positive outcome which outweighed the negatives associated with the zoning requirements in the planning scheme.</p>
<p>Conflict with the Zone</p>	
<p>The Planning Scheme is clear that the only uses intended to be accommodated in the Sport and Recreation zone are sporting and active recreation uses, non-recreation uses that support such uses and compatible community-related activities. The proposed cinema cannot properly be characterised as any of those uses and the approval of the proposed cinema would consequently be inconsistent with the purpose, overall outcomes and performances outcomes in the Sport and Recreation zone code.</p>	<p>The non-compliance with the Sport and Recreation Zone is not sufficient to refuse the proposal without consideration of the existing uses on the site and other relevant matters. The proposal does not impact on the operation of the existing uses, including the sport and recreation components.</p> <p>In a regional context, the provision of alternative entertainment locations separate to centre orientated development promotes choice and variety of social activation where appropriately located. In response, although the proposal has not been envisaged in the current location or zone by the planning scheme, the Theatre will not undermine the Sport and Recreation Zone intent and has balanced the merit of the proposal on this site to justify an approval.</p>
<p>Amenity</p>	
<p>The Development Application also fails to demonstrate that there will be no unreasonable amenity impacts from the proposed cinema (required for compliance with P05 of the Sport and Recreation zone) as a consequence of the extended trading hours (to 1 am), which we note is 3 hours later than the acceptable outcome of 10pm, in circumstances where the proposed development is located within an established low-density residential area.</p>	<p>The proposal complies with the built form requirements of the planning scheme and there is a clear absence of amenity impacts from the existing premises by virtue of the nature of the built form for the proposed use and integration with the existing established uses onsite. Impacts from the proposal are unlikely to be greater than the existing operation well known and accepted at this site with operation hours of 5am to 4am each day.</p>

	Furthermore, the proposal is sufficiently separated from the residential land by either car parking, road reserve or the adjoining sporting fields to mitigate noise and lighting impacts.
Car parking	
The Traffic Assessment Report, that in the absence of the carparking areas on Lot 1, the carparking provision provided on Lot 2 is inadequate and consequently, the proposed development would be inconsistent with the purpose, overall outcomes and performances outcomes of the Development design code.	To demonstrate compliance against Acceptable Outcome 9 of the Development Design Code, a condition has been recommended for the Applicant to construct the minimum parking and bicycle spaces in accordance with the planning scheme policy. As such, the proposal complies with the relevant assessment benchmarks.
Relocation	
The current cinema complex is completely adequate for this city. It is purposely constructed and located in a city complex whereas Yaralla is basically a sports complex and should remain as such. Should Yaralla be given the approval sought the current cinema complex will probably end up another white elephant in our city centre. This is something we should avoid as we have so many empty complexes around town at present.	Given the array of suitable uses within the Centre Zone, there is foreseen opportunity to redevelop the tenancy, demonstrating that blight is an unlikely outcome at the current premises, noting the cinemas current location and street presence is not unique result in positive redevelopment outcomes.

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.*

Conditions of Approval:

The following provides the Conditions of Approval under Section 63(5) of the *Planning Act 2016*:

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:

Drawing Number	Revision	Description	Author	Date
A1.01	P2	Site Plans	BSPN Architects	20/10/2020
A1.11	P2	Ground Level Plan Part A – Existing + Demolition	BSPN Architects	20/10/2020
A1.12	P2	Ground level Plan Part B – Existing + Demolition	BSPN Architects	20/10/2020
A1.21	P2	Proposed Ground Floor Plan	BSPN Architects	20/10/2020

A1.22	P2	Proposed Level 1 Floor Plan / Catwalk Access	BSPN Architects	20/10/2020
A2.01	P2	Elevations – Sheet 1	BSPN Architects	20/10/2020
A2.02	P2	Elevations – Sheet 2	BSPN Architects	20/10/2020
A2.03	P2	Elevations – Sheet 3	BSPN Architects	20/10/2020
A3.01	P2	Sections	BSPN Architects	20/10/2020
A10.01	P2	3D Views	BSPN Architects	20/10/2020
A10.02	P2	3D Views	BSPN Architects	20/10/2020

Special Conditions

3. Prior to the lodgement of the first Development Permit for Building Works, the Applicant is to submit to Council for approval, an internal pedestrian network connectivity plan that achieves the desirable levels of Crime Prevention through Environmental Design.

Advisory Note: The guideline can be located in the Queensland Government's Crime Prevention through Environmental Design Guidelines for Queensland.

4. Prior to the lodgement of the Development Permit for Operational Works, the Applicant must submit the followings plans for approval by Council in accordance with DA/32/2020 - Boundary realignment:
 - a. Detailed car parking layout plans in accordance with AS2890;
 - b. The location of disabled parking space and its associated shared space which comply with the requirements of AS2890;
 - c. The swept path diagram for a B99 vehicle manoeuvring throughout the site. The swept path shall not extend into any car parking spaces or footpath areas on the proposed curved roadway near the Club entrance in the vicinity of the proposed footpath widening; and
 - d. The location of bicycle parking.

Operational Works

5. A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction. The Development Application for Operational Works is to include the following:
 - a. Road works (including signage, footpaths and driveways);
 - b. Stormwater Management (quantity, flood and drainage control);
 - c. Car parking design;
 - d. Street lighting and electrical; and
 - e. Landscaping, environmental protection and associated works.
6. Development Applications for Operational Works shall be designed and constructed in accordance with Australian Standards, the Engineering Design Planning Scheme Policy under the Our Place Our Plan Gladstone Regional Council Planning Scheme or any other applicable standards at the time of lodgement. Prior to the commencement of the use, all Operational Works conditioned by this approval must be accepted "on maintenance" by Council.

Advisory Note: The Capricorn Municipal Development Guidelines within the Engineering Design Planning Scheme Policy is the current document for preparing any Development Application for Operational Works which is found at <http://www.cmdg.com.au/index.htm>.

Building, Plumbing and Drainage Works

7. 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.
8. 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.
9. Prior to the commencement of the use, all plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.
10. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.
11. 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 to adversely affect the residential uses on this site and the adjoining sites.

Water Infrastructure

12. Prior to the commencement of the use, any associated fire service infrastructure is to be located within the property boundary and determined by Queensland Fire Emergency Services (QFES).
13. Prior to the commencement of the use, connections to Council's live water reticulation network must be carried out by Council. The cost of these works is to be borne by the Applicant.

Advisory Note: Council's Application for Water Service is found at <http://www.gladstone.qld.gov.au/forms>.

Stormwater Infrastructure

14. Upon commencement of the use, all stormwater runoff must be piped from roofed areas and discharged to a kerb and channel drainage system in a Council controlled road, or an approved inter allotment stormwater drainage system, in accordance with the *Queensland Urban Drainage Manual 2017*.

Transportation Services

15. Prior to the commencement of the use, an additional 78 car parking spaces are to be constructed, including designated disabled car parking spaces. These spaces and all vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with the Engineering Design Planning Scheme Policy under the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and AS2890.1.
16. At all times during the construction of the Theatre, the Applicant is to make available and maintain, at a minimum, the current provision of 250 car parking spaces.

17. Prior to the commencement of the use, an additional 4 bicycle spaces are to be constructed onsite within 30m walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).
18. As part of Operational Works, the Applicant is to upgrade the existing crossover accessing the development site from O'Connell Street to a Type B2 (7m) and the existing crossover at Bell Street to a Type C1 or C2 in accordance with Council's Standard Drawing Urban Commercial/Industrial Driveway.

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

19. Prior to the commencement of the use, any damage to the driveway crossing and kerb and channel shall be repaired at the owner's expense and to Council's Standard Drawing Urban Commercial/Industrial Driveway.

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

20. As part of Operational Works, a 2 metre wide concrete footpath for the full frontage of the subject site (O'Connell Street) connecting into the existing footpath terminating at the corner of O'Connell and Bell Street is to be constructed in accordance with Council's Standard Drawing Concrete Pathway/Bikeway Details.

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

21. As part of Operational Works, provision of sufficient street lighting must be constructed in conjunction with the concrete footpath connection.
22. Prior to the commencement of the use, all grassed footpath areas disturbed by the development are to be top dressed and turfed following completion of construction activity.
23. Provision is to be made for the loading and unloading of goods within the property. Goods delivery shall not be made from the street. No parking associated with the operation of the centre shall be permitted along O'Connell or Bell Street.

Landscaping

24. As part of Operational Works, a full Landscaping Plan is to be provided in accordance with Table 9.3.5.3.2 - Plant Species List of the Landscaping Code of the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification to all property boundaries. The full Landscaping Plan is to be certified by a Landscape Architect.

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

25. As part of Operational Works, shade street trees are to be constructed within the designated vehicle parking area at a rate of 1 tree per 6 vehicle parking spaces in accordance with Table 9.3.5.3.2 - Plant Species List of the Landscaping Code of the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction

Specification. These are to be detailed in the revised car parking layout plan and full Landscaping Plan.

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

26. As part of Operational Works, all landscaping areas are to be constructed with an appropriate irrigation system. Details of the irrigation system are to be provided as part of the full Landscaping Plan.

Waste Management

27. Prior to the commencement of the use, the waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted in close proximity to the enclosure to ensure that the area can be easily and effectively cleaned.
28. 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.
29. Prior to the commencement of the use, the Applicant is required to obtain a Trade Waste Permit to discharge trade waste to the Sewer in accordance with Councils Trade Waste Approval Process prior to Plumbing Final being issued.

Advisory Note: Applications for Trade Waste Discharge can be found at <http://www.gladstone.qld.gov.au/trade-waste-approval-process>.

Environmental Health

30. A food business licence application is to be submitted to Council for approval in accordance with the *Food Act 2006*. This licence is required prior to the commencement of the use.

Advisory Note: Applications for Food Business Licenses can be found at <http://www.gladstone.qld.gov.au/forms>.

31. A Food Design Application is to be submitted to Council for approval in accordance with the *Food Act 2006*. This licence is required prior to the lodgement of any Development Application for Building Works.

Advisory Note: Applications for Food Business Licenses can be found at <http://www.gladstone.qld.gov.au/forms>.

Lawful Commencement

32. Prior to the commencement of this use, the Applicant is to request that a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.

33. 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.

Advice to Applicant:

When large functions are operating as part of the existing established uses onsite, the Applicant is to ensure adequate overflow parking is provided to reduce the car parking impact for the Theatre.

An Adopted Infrastructure Charge Notice in relation to the infrastructure charges applicable to this development has been provided separately. Council's Infrastructure Charges Incentive Policy may be applicable to this development. Please see the full Policy on Council's website.

Attachments:

1. Submissions Received During Public Notification
2. Applicant's response to Submissions
3. CONFIDENTIAL - Legal Advice - DA 37 2020 18.05.21

Tabled Items:

Nil

Report Prepared by: Development Services

G/3.2. COMMUNITY DEVELOPMENT STRATEGY AND ACTION PLAN

Responsible Officer: General Manager Community Development and Events

Council Meeting Date: 1 June 2021

File Ref: CC5.1

Purpose:

To seek Council's endorsement of the Gladstone Regional Council's Community Development Strategy 2021- 2026.

Officer's Recommendation:

That Council endorse the Community Development Strategy and Action Plan 2021 –2026.

Background:

Council's Operational Plan 2019/2020 prescribed the development of a regional Community Development Strategy and action plan to guide Council's priorities for community development across the Gladstone Region.

Engagement Plus were awarded the contract to produce a Community Development Strategy and Action Plan 2021-26. The expectations of the consultant were to produce a well-researched and community informed Strategy and Action Plan that addresses the priorities of the community, and guide Council's community development activities across the region over the next five years. The Community Development Strategy and Action Plan were underpinned by three background reports which were produced as part of this work:

- Community Engagement Best Practice Report
- Demographic and Engagement Analysis
- Community Engagement Report

The results of all three documents provided Engagement Plus with situational context, best practice and views of the community to ensure the attached Community Development Strategy is purposeful and outlines an approach forward for Council and the community to strengthen connection, to deliver diverse, innovative and collective community development.

Options, Risk and Opportunity Analysis:

The Community Development Strategy and Action Plan provides Council with a framework to shift emphasis from service delivery, essentially 'doing for' community to working in partnership with community, 'doing with'. With the aim of strengthening and develop community capacity, cultivate and foster opportunities for collaboration, connection and improve community wellbeing. The Strategy and Action plan creates an opportunity for Council and community plan together for the future of the Gladstone Region through connection, innovation and diversification.

Communication and Consultation:

A wide range of engagement activities were delivered by Engagement Plus, with support of Council's Engagement & Partnership team. Underpinning community engagement was the formation of a Community Reference Group which was made up of 15 community members selected via an EOI

process. The reference group met four times during the development of the strategy where they were involved in shaping the Community Development Strategy and Action Plan.

A range of engagement methods were undertaken to inform background reports and the Community Development Strategy and Action Plan, which included:

- Regionally dispersed focus groups
- Youth focus group
- Online survey
- Social pinpoint
- Postcards
- Topical snapshots
- Drawing competition
- Presentations at Interagency, Youth Interagency & Youth Council
- Pop up information displays – Library, International Women’s Day and Tondoon Botanic Gardens
- GRC internal workshop with the leadership team

A total of 28 community members attended the regionally dispersed focus groups and Youth Council attending an additional focus group. Youth were also engaged through school and childcare centers, with primary school and daycare centre in Gladstone/ Calliope/ Boyne Tannum receiving an engagement pack, those outside of these areas receive an email engagement pack.

Three hundred and twenty-six (326) individual submissions were made via the following methods:

- Online Survey
- Postcards
- Topical snapshots
- Drawing competition
- Social pinpoint
- Written submission

A number of planned community engagement activities were unable to take place due to inclement weather which resulted in seven (7) pop up events at markets being cancelled. In lieu of the cancellations a further pop event was arranged, which was also cancelled due to the global pandemic.

The Community Reference Group have been provided the opportunity to provide feedback on the Draft Strategy with a positive outcome.

Following additional engagement with internal stakeholders some minor changes have been made to the Community Development Strategy, streamlining the objectives whilst ensuring the objectives and intent is the same.

Legal Strategy and Policy Implications:

Council’s Operational Plan 2019-20 outlined a commitment to develop a strategy and action plan to guide Council’s priorities for community development across the Gladstone Region.

Financial and Resource Implications:

Funds for the development Community Development Strategy and Action plan were allocated in the 2019/20 budget. Future activities from the Action Plan will be absorbed as part of Engagement & Partnerships operational budgets 2021-26.

Summary:

Nil.

Anticipated Resolution Completion Date:

N/A

Attachments:

1. Draft Community Development Strategy 2021-2026

Tabled Items:

Nil.

Report Prepared by: Community Development Specialist (Acting)

G/4. DEPUTATIONS

Nil.

G/5. COUNCILLORS REPORT

Nil.

G/6. URGENT BUSINESS

Nil.

G/7. NOTICE OF MOTION

Nil.

G/8. CONFIDENTIAL ITEMS

Nil.

ATTACHMENTS