

7.5 Planning Scheme - Amendment Package 3 Public Consultation Summary and Recommendations

PORTFOLIO: Planning and Regulatory Compliance

DIRECTORATE: Community Sustainability

DOC ID:

LINKS TO CORPORATE/OPERATIONAL PLAN

KEY RESPONSE AREAS:

- 1. Community and Environment

1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION

Further to Council’s previous consideration and endorsement of Amendment Package 3 to the Gympie Regional Council Planning Scheme 2013 (the Planning Scheme), several statutory steps have now been completed. This report is to update Council on the progress of the amendment package, and to discuss issues raised as a result of public consultation.

Amendment Package 3 comprises a consolidated amendment package of administrative, minor and major amendments, as follows:

- (i) the rezoning of the Low impact industry land at Southside to Residential Living and Limited Development – Constrained Land (to reflect flooding constraints) consistent with the Southside Structure Plan;
- (ii) an increase in the number of caravans, tent sites or cabins permitted without a development application within the Rural Zone from four caravans, tent sites or cabins to eight (8);
- (iii) clarification of the levels of assessment for operational work and for dwelling houses proposed on unmaintained road;
- (iv) amendments to update the design criteria in *Planning Scheme Policy 1: Development Standards*;
- (v) minor administrative corrections;
- (vi) further amendments to planning provisions around Tourist Park developments in the Rural Zone including amenity protection for residents, and management of effluent and waste water; and
- (vii) changes arising from the adoption of the Recreational Vehicle Strategy.

Summary of Progress to Date

Timeline	
28 June 2022	Council resolved to endorse the amendment package and commence the State Interest Review (SIR)
9 August 2022	Amendment Package 3 was provided to the State for review
29 March 2023	Following assessment and consideration by the State, Council was advised that the proposed amendment package appropriately

	incorporates all relevant state interests and could progress to formal public consultation
2 June 2023	Commencement of public consultation
30 June 2023	Closure of consultation
8 November 2023	Presentation of consultations findings at Council Workshop

Following discussion at the recent Council workshop, this report is being brought back to Council for endorsement of the revised amendment package.

2. REPORT

Public Consultation and Submissions

Council received 12 submissions in response to the exhibition of the proposed amendments. The submissions are addressed in detail within attachment 1 to this report. A brief summary of the submissions and the suggested planning responses is provided below:

(i) Zoning changes

Amendment Package 3 proposes to rezone Low impact industry land within the Southside Local Development Area on the corner of Eucalyptus Avenue and Eel Creek Road, Southside to Residential Living (with a small amount of land allocated to Limited Development Zone to reflect the 1% AEP flood extent).

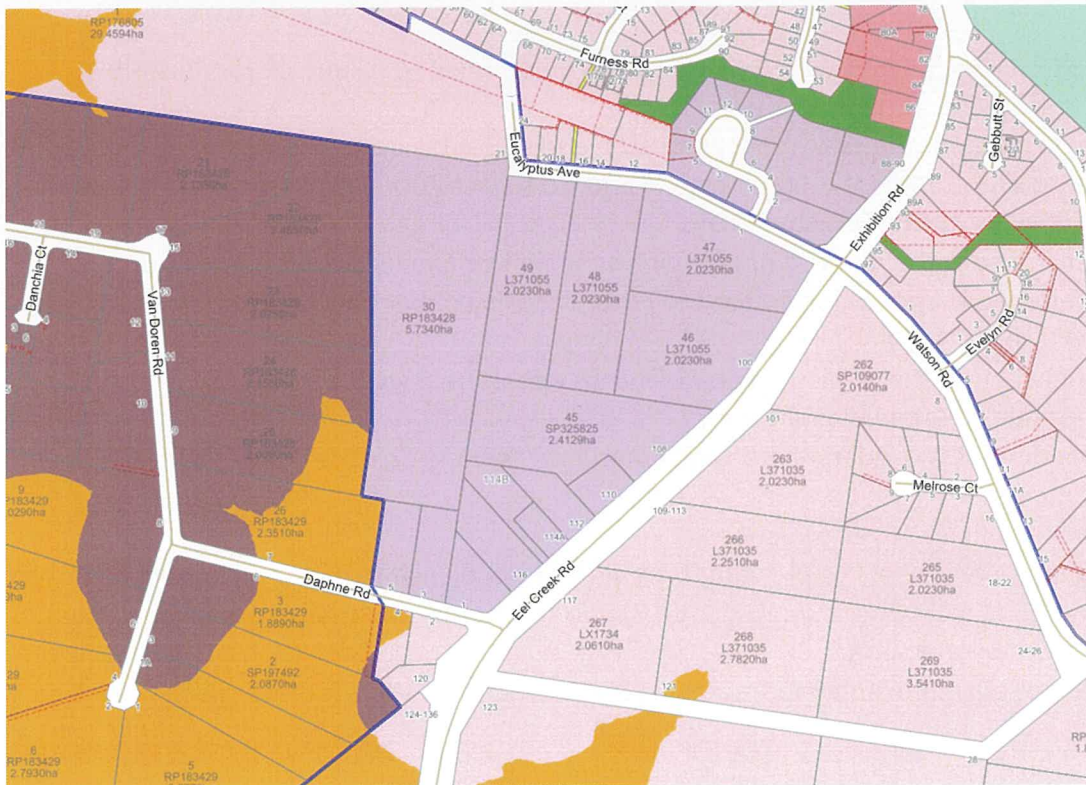


Figure 1: Existing Low Impact Industry Zoned lots within Southside Local Development Area

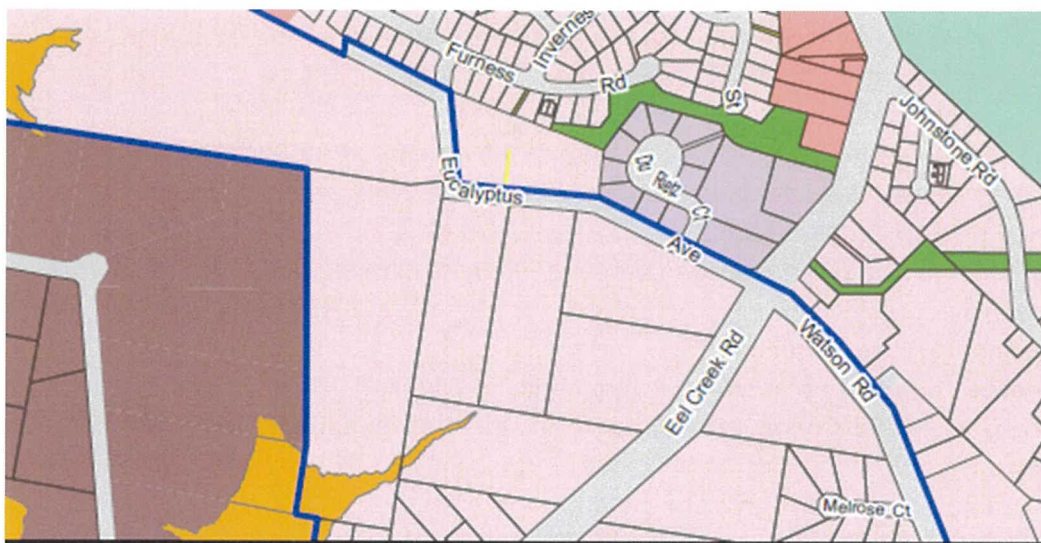


Figure 2: Proposed zoning amendment for Residential Living and Limited Development – Constrained Land Zone

A total of three submissions were received on this aspect and all were in support of the proposed amendment.

(ii) Tourist parks

The proposed increase in the number of cabins, caravans or campsites permitted without a development application in the Rural zone from four to eight attracted nine submissions, two in support for the proposed changes, six objecting to the proposal and one submission from Seqwater identifying the need to protect water quality from potential impacts generated by Tourist park uses.

Issues raised in support of the proposal were:

- The proposed increase supports farmers in diversifying farm income.
- Farmers value their properties and their environment and will manage camper behaviour and impact.
- Many older farmers do not qualify for the aged pension and a tourist park land use can supplement income.

Issues raised in objection to the proposal were:

- There is a lack of regulation or compensation to Council for the damage caused by heavy vans and RV's using poorly maintained Council roads. Roads can be dangerous or not adequate to support the use.
- The installation of lighting and possible use of lights all night without any consideration for wildlife or neighbours.
- Insufficient provision for emergency evacuation for visitors.
- Lack of protection for waterway health.
- Insufficient noise control with limited enforceable action/capabilities.
- Lack of monitoring or compliance.
- It is not appropriate to facilitate too many tourism or entertainment venues in the Mary Valley.
- 48 people on a site at one time is not 'low scale'.
- Insufficient police presence to manage amenity issues.

- 10 ha property size is too small to accommodate a doubling of allowed sites to eight, with up to 48 people.

No submissions were received with respect to the other elements of Amendment Package 3:

- (i) clarification of the levels of assessment for operational work and for dwelling houses proposed on unmaintained road;
- (ii) amendments to update the design criteria in *Planning Scheme Policy 1: Development Standards*;
- (iii) minor administrative corrections;
- (iv) further amendments to planning requirements for Tourist Park developments in the Rural Zone including amenity protection for residents and management of effluent and waste water;
- (v) incorporating changes arising from the adoption of the Recreational Vehicle Strategy.

Response to Submissions

The table at Attachment 1 provides the details of the proposed planning response to each specific issue raised via the submissions. In brief, the proposed zoning change is supported by the affected landowners and it is recommended that this change proceed.

Public feedback regarding proposed changes to Tourist parks has been less receptive. There were two (2) submissions in support for the proposal. One (1) submitter in complete support of the proposal and another in support, however, seeking to remove the current requirement that tourist parks on unsealed roads trigger a development application.

Seven (7) further submissions raised objection to the tourist park amendments proposing to increase the development application threshold from four (4) to eight (8).

It should be noted that the issue in question is not whether tourist parks should be permitted in the Rural zone, but what threshold of intensity should trigger the requirement to submit a formal development application before the tourist park can commence.

The amendment package includes a number of additional assessment benchmarks to better manage the potential offsite impacts of tourist parks including:

- water supply
- wastewater
- sanitation and amenities
- dust
- smoke
- noise
- lighting
- safe road access (currently requiring access via a sealed road constructed to council standard)
- number of patrons
- length of stay
- size of buildings
- landscaping

A full list of the recommended assessment benchmarks is included in Attachment 2 to this report. It is considered that the additional assessment benchmarks are equally relevant to managing the offsite impacts of any tourist park, whether it be for four or eight cabins/caravans/campsites. They should, therefore, be retained within the amendment package even if it is determined that four sites be the maximum threshold for accepted development, rather than the proposed increase to eight.

A tourist park, if consisting of eight sites, can accommodate up to 48 people. This is acknowledged as a substantial number, particularly where the activity occurs frequently.

Compliance and Unlawful Operation

During Council's workshop on 8 November 2023, consideration of the proposed revision of Amendment Package 3 raised questions regarding:

- the amount of Tourist parks operating within the region,
- customer complaints, and
- compliance matters associated with unlawful operation of Tourist parks (or non-compliance with conditions of approval).

Investigation of available online information and marketing for Tourist parks has identified that there are approximately 150 to 180 properties conducting this use throughout the region. The scale of the establishments is varied. Many properties are advertising only a few camp or caravan sites, or cabins. However, there is also several properties advertising upwards of 30 sites. Less than 50 properties were advertised as having some kind of toilet facilities for guests.

Many of the sites currently being actively advertised as operational Tourist parks do not have a development approval nor would they qualify as being 'accepted development subject to requirements' (ADSR) under the current version of the planning scheme. A small number of sites do have the appropriate development approval, however, some of these are the subject of ongoing compliance matters relating to the conditions of their approvals.

Key issues identified through compliance matters include:

- Camp site numbers exceeding the maximum of four to comply with ADSR requirements of the current planning scheme.
- Sites adjoining rural roads that are not constructed to full Council standard.
- Camp sites established in locations identified as bushfire or flood natural hazards under the planning scheme overlay maps.
- Building work established without necessary building permits.

Information summarising compliance matters relevant to Tourist parks in the region, and complaints is discussed further in attachment 3 to this report.

Whilst the proposed increase to eight sites has benefit to support local tourism, there is community concern around negative offsite impacts affecting residents. In consideration of the number of concerns raised in the submission period regarding such issues, limiting the number of people permitted on a site at one time may be an appropriate response to address community concerns.

It is recommended that Council retain the current threshold of four cabins, caravans/camp sites for tourist parks as “accepted development subject to requirements” but proceed to include the additional assessment benchmarks as exhibited. These measures will assist to reduce the offsite impacts of tourist park activities.

It is important to note, that some amenity issues are aspects of development that sit outside the regulatory function of the planning scheme and may be governed under the *Environmental Protection Act 1994*. Ancillary activities, such as playing music, riding trail bikes, campfires and the like conducted on a tourist park site may continue to create issues yet are not able to be managed completely by the planning scheme.

As noted above, one submission questioned the reasonableness of the current scheme requirement for a tourist park site to have full frontage to a sealed road constructed to a full standard in order for the use to occur as “accepted development subject to requirements”. The exhibited amendment package did not propose to change this requirement.

While many of the Region’s unsealed roads might be capable of accommodating low key tourist park traffic, this will not always be the case. Where a site is accessed via an unsealed or a partly sealed road an assessment of the safety and practicality of the proposed access is warranted. It is noted that the scheme does not preclude tourist parks that rely on unsealed access roads, but merely establishes a threshold beyond which a development application is required to ensure the access arrangements are safe and practical for the traffic likely to be generated by the proposed development.

The additional submission relevant to Tourist parks received from Seqwater raises the need to protect drinking water catchments from pollution. Further, Seqwater suggests that Council’s planning scheme include a map defining buffers to drinking water catchments and specific assessment benchmarks against which development in the catchment areas should be assessed. In principle, this submission is supported. However, it is considered beyond the scope of Amendment Package 3 and would be more appropriately addressed via the new scheme.

3. BUDGET IMPLICATIONS

Nil.

4. POLICY IMPLICATIONS

Nil.

5. CONSULTATION

Public consultation for Amendment Package 3 was undertaken in accordance with the Ministers Guidelines and Rules (MGR) under the *Planning Act 2016*. Consultation was for a period of 20 business days and ran from 2 June 2023 through to 30 June 2023.

Further consultation has been undertaken with the following Council teams to formulate the recommendations:

- Development Assessment
- Compliance
- Building
- Plumbing

- Environmental Health
- Development Engineering

Proposed Amendment Package 3 including the consultation summary report was presented to Councillors for consideration at the Workshop on 8 November 2023.

6. CONCLUSION

Following consideration of submissions received in response to the exhibition of Amendment Package 3, it is recommended following elements of the package be supported:

- (i) the rezoning of the Low impact industry land at Southside to Residential Living and Limited Development – Constrained land (to reflect flooding constraints) consistent with the Southside Structure Plan,
- (ii) clarification of the levels of assessment for operational work and for dwelling houses proposed on unmaintained road,
- (iii) amendments to update the design criteria in Planning Scheme Policy 1; Development Standards,
- (iv) minor administrative corrections,
- (v) amendments to assessment benchmarks for tourist park developments in the Rural zone including additional amenity protection for residents, and management of effluent and wastewater; and
- (vi) incorporating changes arising from the adoption of the Recreation Vehicle Strategy.

It is recommended that the proposal to increase the number of cabins/caravans/campsites permitted without the need for a development application from four to eight not proceed for the reasons discussed in the report. It is further suggested that the current requirement for tourist parks to have sealed road access to qualify as “accepted development subject to requirements” be retained.

It is noted that as part of the public consultation process, several landowners within the East Deep Creek precinct (industrial land) had been incorrectly advised that the precinct boundary is proposed to be removed as part of this amendment package. Whilst this had been originally considered as part of the proposed amendments, this change did not progress to be included in the final package of amendments endorsed by Council for public exhibition. The full version of Amendment Package 3 exhibited for public consultation was correct. However, the letter to the landowners within the East Deep Creek precinct was an incorrect additional component. This error, along with the significant change proposed to the accepted development thresholds for tourist parks warrant the re-exhibition of the amendment package.

It is proposed to re-exhibit the Amendment Package for a period of 20 business days, after which the matter will be further reported to Council.

ATTACHMENTS

1. Consultation Report - Amendment Package 3 - August 2023
2. Attachment 2 - Rural Zone Code Tourist park provisions
3. Tourist parks - Compliance matters and customer complaints raised January 2022 to November 2023

That Council endorse

- 1. The threshold for Tourist parks on rural land to be Accepted Development Subject to Requirements be retained at four or less campsites.**
- 2. The additional assessment benchmarks for Tourist parks included in the exhibited rural zone code be retained.**
- 3. Amendment Package 3 be re-exhibited for a period of not less than 20 business days.**

Amended Resolution

M15/12/23

Moved Cr BM Devereaux

Seconded Cr WA Polley

That Council endorse the Amendment Package 3 as exhibited

Carried

FOR: Cr HT Smerdon, Cr DH Stewart, Cr RA Fredman, Cr NG Jensen, Cr GC Hartwig, Cr SA Waldock, Cr WA Polley, Cr BM Devereaux and Cr J Milne

AGAINST: Nil