

Development application—decision under delegated authority

Reconfiguring a Lot at 27 Boyd Street, Gayndah on land described as Lot 6 on SP185997—Code assessable development application under the *Planning Act 2016*

Application reference: DA220022

1 Proposal summary

- (1) The applicant seeks a Development Permit for Reconfiguring a Lot—Subdivision (1 Lot into 2 Lots) at 27 Boyd Street, Gayndah on land described as Lot 6 on SP185997.
- (2) The stated objective of the application is to subdivide Lot 6 on SP185997 to create one additional lot within the General residential zone.
- (3) The site is currently improved with a dwelling house and other buildings/structures. Proposed Lot 7 will retain the existing Dwelling house and all improvements.
- (4) The proposed Lots 6 and 7 will have an area of 945sqm and 1.77ha respectively. All proposed lots will meet the minimum area and road frontage requirements in the planning scheme.
- (5) The Council must assess the application against the assessment benchmarks, having regard to those matters set out in the *Planning Act 2016* and *Planning Regulation 2017*, and decide the application in accordance with the decision rules in s60(2) and s60(5). The attached Statement of reasons sets out the rationale for deciding to approve the application.

2 Recommendations

- (1) That the Council or its delegate, having regard to the matters set out in the Statement of reasons, decide the application under s60(2) of the *Planning Act 2016* by approving all of it subject to conditions.
- (2) That the Council notify the applicant of its decision in accordance with the attached Decision Notice.
- (3) That the Council publish the Decision Notice, including the Statement of reasons, on its website.
- (4) Council can no longer issue a charges notice in accordance with its Charges Resolution (No. 2) 2015 as it did not make a Local Government Infrastructure Plan by 1 July 2018.

3 Decision

I concur with the above recommendations—please issue the Decision Notice as recommended.


John Fraser
Development & Building Services Stream Leader
(Delegate of North Burnett Regional Council)

31/05/22.
Date

4 Statement of reasons

This statement explains the reasons for the assessment manager's decision in relation to a development application for Reconfiguring a Lot—Subdivision (1 Lot into 2 Lots) at 27 Boyd Street, Gayndah on land described as Lot 6 on SP185997. The statement is required under **section 63 Notice of decision** of the *Planning Act 2016*.

4.1 Facts and circumstances

- (1) The application was lodged on 7 April 2022.
- (2) The application was deemed properly made on 19 April 2022.
- (3) The application included sufficient materials and it was not necessary to issue a Confirmation notice or information request.
- (4) The application did not trigger any referrals.
- (5) The following matters have been key considerations for the assessment manager—
 - (a) material about the application, including the proposal plans and the applicant's report;
 - (b) the North Burnett Regional Planning Scheme 2014 v1.4 (amendments commenced 17 Aug 2021), to the extent relevant;
 - (c) the nature and scale of the proposed development;
 - (d) the location of existing urban utilities;
 - (e) the prospective long-term subdivision of the land; and,
 - (f) the SPP, to the extent that it is not appropriately integrated in the planning scheme.

4.2 Category of assessment

- (1) The site is in the General residential zone
- (2) The proposal is identified as Code assessable against the Reconfiguring a lot (except excluded reconfiguration) code; Infrastructure and operational work code; and the purpose of the General residential zone code.
- (3) The proposal does not require assessment against any overlay code.

4.3 Assessment benchmarks

- (1) A basic assessment against the assessment benchmarks is provided in the report and associated documentation submitted with the application. Such assessment confirms that the matter is relatively straightforward, however a more detailed assessment for compliance is attached.

4.3.2 State planning instruments

- (1) *Regional plan*—the Wide Bay Burnett Regional Plan is appropriately integrated in the planning scheme and does not require further or separate consideration for Council to decide the application.
- (2) *State planning policy*— the State Planning Policy is appropriately integrated in the planning scheme and does not require further or separate consideration for Council to decide the application.

4.3.3 Purpose of the General residential zone code

- (1) The proposal complies with the General residential zone code as—
 - (a) It achieves the purpose and overall outcomes of the zone code, specifically—;
 - (b) The lots would provide two residential lots that support low-intensity residential scale, urban form and character

- (c) The lots can be serviced by existing infrastructure
- (d) The reconfiguration would not result in serious environmental harm;
- (e) The lots would not introduce conflicting land uses or impact sensitive land uses;

4.3.4 Reconfiguring a lot (except excluding reconfiguration) code

- (1) The proposal complies with the Reconfiguring a lot (except excluded reconfiguration) code as—
 - (a) It achieves the purpose and overall outcomes of the code;
 - (b) It complies with the performance and acceptable outcomes of the code, specifically—
 - (c) Both proposed lot areas and frontages exceed the minimum 800sqm area and 18m road frontage requirements prescribed by Table 9.4.10;
 - (d) Both proposed lots have direct access to a constructed road
 - (e) No additional potential conflict of use would be introduced with the new boundaries
 - (f) There are no significant habitat and natural features to be retained or protected
 - (g) The proposal will not alter current drainage characteristics, nor are any earthworks proposed or anticipated.

4.3.5 Infrastructure and operational work code

- (1) The proposal complies with the *Infrastructure and operational work code* as—
 - (a) It achieves the purpose and overall outcomes of the code;
 - (b) It complies with the performance outcomes of the code, specifically—
 - (c) Given the site is located within the water and sewerage service areas, it would be appropriate for Lot 6 to be connected to the relevant systems;
 - (d) Lot 7 currently has an existing connection to reticulated electricity. Lot 6 will be required to be supplied with an electricity connection if it is improved with a residential use. Given the significant lot size this would be appropriate;
 - (e) Lot 6 & 7 will not be required to be connected to fixed-line telecommunications with current access to the nbn broadband access network by fixed wireless connection deemed reasonable and aligned with general community expectations.
 - (f) Technical Services did not advise any required upgrades to the local road network;
 - (g) Technical Services did not advise any stormwater concerns with no changes to current stormwater drainage characteristics anticipated;
 - (h) Given the extensive vegetation and lot sizes, landscaping would not be required;

4.4 Consultation

4.4.1 Internal stakeholder comments

- (1) Technical Services commented on the development in relation to water and wastewater expectations for the development.
- (2) Technical services advised sewer infrastructure supplied as part of previous development does not meet current standards and a minimum 20-30m sewer line extension and full-sized manhole to terminate will be required to be provided.
- (3) The required works would need to be constructed in accordance with Council specifications and approval.

4.4.2 External stakeholder comments

- (1) The application did not require referral to SARA under Schedule 10 of the Planning Regulation 2017.

4.4.3 Public consultation

- (1) The application did not require public notification.

4.5 Key issues for this application

- (1) The assessment manager considers that the following matters have been instrumental in its decision—
 - (a) *Compliance with the assessment benchmarks*—the proposal is compliant with the relevant overall and performance outcomes of the applicable assessment benchmarks;
 - (b) *Lot configuration*—both lots would be compatible with other land uses in the locality. Both lots would significantly exceed the minimum lot size requirement for the zone.
 - (c) *Appropriate land use*—considering the type and scale of planned use/s and the site’s location within the General residential zone;
 - (d) *Infrastructure (non-trunk) works – water, sewer, electricity, and telecommunications access* – considering the site can be readily serviced by suitable infrastructure connections, albeit with the extension of a sewer line..

4.6 Decision rules under the *Planning Act 2016*

- (1) The assessment manager—
 - (a) must approve if the proposal complies with all the assessment benchmarks;
 - (b) may approve if the proposal does not comply with some assessment benchmarks;
 - (c) may impose conditions;
 - (d) may refuse the application only if the proposal does not comply with some of the benchmarks and conditions cannot achieve compliance;
 - (e) may give a preliminary approval for all or part of the proposal.

Section 60(2) of the Planning Act 2016 sets out the decision rules for code assessment.
- (2) Development conditions must—
 - (a) be relevant to but not an unreasonable imposition; and
 - (b) be reasonably required as a consequence of the development.

Section 65 of the Planning Act 2016 limits the nature of approval conditions.
- (3) Having regard to the above matters and after assessing the application against the assessment benchmarks, the assessment manager decides to approve the application and impose conditions in accordance with the decision rules.