

# Development application—decision under delegated authority

Development application (MCU—Medical Facility, Gymnasium and Indoor Sports Facility) at 24-26 Fielding Road, Gayndah (Lot 8 on G1383)—Impact assessable development application under the *Planning Act 2016*

Application reference: 178-19

## 1 Statement of reasons

This statement explains the reasons for the assessment manager's decision in relation to a development application for a material change of use—Medical Facility, Gymnasium and Indoor Sports Facility at 24-26 Fielding Street, Gayndah on land described as Lot 8 on G1383. The statement is required under **section 63 Notice of decision** of the *Planning Act 2016*.

### 1.1 Proposal summary

- (1) The applicant seeks a development permit for a material change of use— Medical Facility, Gymnasium and Indoor Sports Facility at 24-26 Fielding Street, Gayndah on land described as Lot 8 on G1383
- (2) Currently the applicant runs their North Burnett Region health and community care centre out of a smaller temporary facility on the corner of Gordon and Pineapple Street within the Gayndah Hospital complex. Due to increased demand and need for a greater diversity of services to clients in the North Burnett region, they are seeking to provide a permanent facility with additional community based health services that are easily accessible and include the delivery and support of NDIS services.
- (3) The proposal includes the resumption of the use of the sports hall which will be enhanced by provision of suitable amenities and a gym. The gym will be available to residents for rehabilitation activities in association with health outcome delivery. The gym and sports hall will be open for use seven days a week
- (4) Demolition of the existing hostel building is proposed and it will be replaced with a single storey contemporary building comprising of the medical facility, gym and amenities.
- (5) Access to the site would be from Fielding Street. The proposal includes eighteen (18) onsite carparks, inclusive on two accessible parking spaces and three secure parking spaces for IWC vehicles. At the front of the medical facility will be an ambulance / delivery drive thru / set down parking space that is under cover with a perforated privacy screen. Six (6) parallel on street parking spaces are proposed.
- (6) The application is impact assessable.

### 1.2 Facts and circumstances

- (1) The site is in the General Residential zone. It is surrounded by lots in either the General Residential zone.
- (2) The application was deemed properly made on 17 September 2019. A confirmation notice was issued on 26 September 2019.
- (3) The application was not referred to Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) under the *Planning Regulation 2017*
- (4) The applicant stated they agree to accept an information request, and a request for additional information was issued 10 October 2019. The applicant provided all of the information requested on 14 January 2020.
- (5) The application requires public notification, and was publicly notified for 15 business days from 4 November 2019 to 26 November 2019. Notice of public notification compliance was issued to Council on 27 November 2020. Council did not receive any properly made submissions.

- (6) 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, to the extent relevant;
  - (c) the SPP, to the extent that it is not appropriately integrated in the planning scheme; and
  - (d) development approvals and lawful use of the land and adjacent land.

### 1.3 Category of assessment

- (1) The proposal is identified as Impact assessable, requiring assessment against the entire planning scheme to the extent relevant. The site is adjoining a local significant road and therefore also assessable against infrastructure overlay code. The proposal has been assessed against the following assessment benchmarks as these are most suitable for Council's determination—
- (a) Strategic framework;
  - (b) General Residential zone code;
  - (c) Infrastructure and operational work code; and
  - (d) Infrastructure code.
- (2) The Council must assess the application against the assessment benchmarks, and having regard to those matters set out in the *Planning Act 2016* and *Planning Regulation 2017*. Assessment may also "...be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise" [PA16 s45(5)(b)].
- (3) The Council must decide the application in accordance with s60(3) and s60(5) of the *Planning Act 2016*.

### 1.4 Assessment benchmarks

- (1) A full and detailed assessment against the assessment benchmarks is provided in the report and associated documentation submitted with the application.

#### 1.4.2 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*—there are no State interest statement, policies or benchmarks relevant to this application<sup>1</sup>. Due to the nature of the proposal and insignificant departure of the SPP from the planning scheme, compliance with the planning scheme is considered appropriate.

#### 1.4.3 North Burnett Regional Planning Scheme

##### 1.4.3.1 Strategic framework

- (1) The proposal complies with the Strategic framework as—
- (a) "Strategic Intent"—the proposal contributes to:
    - (i) "an active and thriving region" by directly supporting health and wellbeing of the community;
    - (ii) "economic growth" by providing employment in the health care sector;

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<sup>1</sup> When the planning scheme commenced on 3 November 2014 it appropriately integrated all aspects of the State Planning Policy then in force. The SPP that commenced on 3 July 2017 is quite similar, however the *Planning Act 2016* requires the assessment manager to assess the application against the SPP Part E (State Assessment Benchmarks) because the planning scheme does not identify it as having been 'appropriately integrated' into the scheme.

- (iii) “settlement pattern” of the North Burnett and specifically Gayndah through offering a wide range of services that include health and educational services;
  - (iv) “Infrastructure and services” through efficient use of infrastructure and resources; and helping to maintain a compact and walkable town;
  - (v) “community wellbeing” by the provision of critical social infrastructure.
- (b) “Natural environment and sustainability”; and “Strong rural economy and futures”—the proposal would not contribute directly these outcomes but supports them through providing a increase in the health and wellbeing of the greater community;
  - (c) “Community Strength and Wellbeing”—the proposal would assist with the provision of a wide range of health, education and leisure services in an accessible location that also meets the goal of providing social infrastructure that the majority of the population has reasonable access to;
  - (d) “Settlement Pattern”—the proposal contributes to this by using land and existing infrastructure efficiently and developing Gayndah as the ‘District Centre’; and
  - (e) “Infrastructure, Services and Facilities”—the proposal is enhancing and revitalising current land use in a fully serviced urban location.

#### **1.4.3.2 Zone code**

- (1) The proposal complies with the General Residential zone code as—
  - (a) it complies with the purpose and overall outcomes of the code;
  - (b) it complies with the performance outcomes of the code;
  - (c) it would reuse an existing site and structures for a community orientated health and wellbeing facility, that is located in an area of Gayndah that presents a logical extension of the existing urban area;
  - (d) it would have a high level of amenity and provide the community with an appealing, convenient and safe pedestrian-friendly environment;
  - (e) it would be developed providing adequate separation and buffering to sensitive land uses;

#### **1.4.3.3 Infrastructure and operational work code**

- (1) The proposal complies with the Infrastructure and operational work code as—
  - (a) it complies with the purpose and overall outcomes of the code;
  - (b) it complies with the performance outcomes of the code;
  - (c) suitable non-trunk and on-site infrastructure would be available to meet the anticipated needs of users whilst not creating any significant adverse impacts;.
- (2) Full details of the assessment against the code are provided in the material submitted with the application.

#### **1.4.3.4 Overlay codes**

- (1) The proposal complies with the Infrastructure overlay code as—
  - (a) It complies with the purpose and overall outcomes of the code;
  - (b) It complies with the performance outcomes of the code;
  - (c) The safety and efficiency of Fielding Street would be maintained by requiring onsite parking and provision of on-street parking as part of the development.
- (2) Full details of the assessment against the codes are provided in the material submitted with the application.

### **1.4.4 Other relevant matters**

- (1) The following are other relevant matters under s45(5)(b) of the *Planning Act 2016*—
  - (a) The planning need for the proposal—health, well-being, social and leisure services are essential to the region;

- (b) There are limited health services in the North Burnett and the proposal will bring provision for allied health and specialist services, health education, general community initiatives, school hearing checks, and the delivery and support of NDIS services.

## 1.5 Consultation

### 1.5.1 Internal stakeholder comments

- (1) Council's Technical Services Department and Environmental Health Department were invited to comment on the application. They raised no objections to the proposal, and they required conditions to be included in any development permit.

### 1.5.2 Referral agency response

- (1) The application was not required to be referred to DSDMIP under the *Planning Regulation 2017*.

### 1.5.3 Properly made submissions

- (1) The application requires public notification, and it was publicly notified for 15 business days from 4 November 2019 to 26 November 2019. Notice of public notification compliance was issued to Council on 27 November 2019. Council did not receive any properly made submissions.

## 1.6 Key issues for this application

- (1) The assessment manager considers that the following matters have been instrumental in its decision—
  - (a) *overall amenity*—reasonable and relevant conditions be included to minimise the potential impacts on the surrounding environment and community from visual and noise emissions.
  - (b) *traffic safety*—as Fielding Street is a local government significant road, relevant consideration was given to street parking as current other land use in the area makes this street busy during school drop-off and pick-up times.

*These matters have been derived from the assessment benchmarks.*

## 1.7 Decision rules under the *Planning Act 2016*

- (1) The assessment manager—
  - (a) may approve all or part of the application;
  - (b) may refuse the application;
  - (c) may impose conditions.

*Section 60(3) of the Planning Act 2016 sets out the decision rules for impact 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 all of the application and impose conditions in accordance with the decision rules.