

Development application—decision under delegated authority

Reconfiguring a Lot—Boundary Realignment (6 Lots into 3 Lots) at 7783 Burnett Highway, Eidsvold on land described as Lot 1 on MPH32508, Lot 2 on MPH2160, and Lots 838, 632, 751 and 839 on CP818086—Code assessable development application under the *Planning Act 2016*

Application reference: 13/18

1 Proposal summary


- (1) The applicant seeks a Development Permit for Reconfiguring a Lot—Boundary Realignment (6 Lots into 3 Lots) at 7783 Burnett Highway, Eidsvold on land described as Lot 1 on MPH32508, Lot 2 on MPH2160, and Lots 838, 632, 751 and 839 on CP818086.
- (2) The objectives of the application are to—
 - (a) Consolidate lots in the master plan for the RM Williams Australian Bush Learning Centre and Visitor Information (lots on the western side of the Burnett Highway) into one lot; and
 - (b) Separate the lots on the eastern side of the Burnett Highway from the lots included in the RM Williams Centre masterplan.
- (3) The application is a prelude to a road closure application for part of an unnamed road adjoining Lot 1 on MPH32508, Lot 2 on MPH2160, Lot 751 on CO818086 and the western parts of Lots 838 and 632 on CP818086.
- (4) Proposed Lot 10 would have an area of 7.266ha, Lot 11 would have an area of 4.407, and Lot 12 would have an area of 8.075ha. Lots on the eastern and western side of the Burnett Highway would be in the Industry and Community facilities zone (respectively).
- (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 attached 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 Notice of decision.
- (3) That the Council publish the Notice of decision, including the Statement of reasons, on its website.
- (4) That the Council issue the charges notice in accordance with Council's Charges Resolution (No.2) 2015.

3 Decision

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


MJP Pitt
Chief Executive Officer
(Delegate of North Burnett Regional Council)


2 March 2018
Date

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*—there are no State interest statements, policies or benchmarks relevant to this application¹.

4.3.3 Reconfiguring a lot code

- (1) The proposal complies with the Reconfiguring a lot (boundary realignment) and associated operational work code as—
 - (a) it achieves the purpose and overall outcomes of the zone code;
 - (b) it complies with the performance outcomes of the zone code;
 - (c) all lots would comply with the minimum area and road frontage requirements for lots in the Community facilities and Industry zones; and
 - (d) all lots would have an appropriate size to accommodate necessary on-site infrastructure.

4.3.4 Overlay codes

- (1) The proposal complies with the Flood hazard overlay code as it would not increase the exposure of people and property to flood hazards. The number of lots would decrease and no new building work is proposed. Flood immunity concerns will be appropriately deferred to future material change of use proposed over the respective sites. The reconfiguring itself does not increase exposure of people or property.
- (2) The proposal complies with the Infrastructure overlays code as it would maintain the function of existing significant infrastructure. The number of lots adjoining the State transport corridor and stock network route would decrease.
- (3) The proposal complies with the Natural features or resource overlays code as it would maintain the environmental values, function and visual appeal of identified natural features and resources. No additional exempt clearing works would result from the realignment

4.4 Consultation

4.4.1 Internal stakeholder comments

- (1) No officers were invited to comment on the application, considering the minor nature of the proposal.

4.4.2 Public consultation

- (1) The application did not require public notification and Council did not receive any submissions about the application.

4.5 Key issues for this application

- (1) The assessment manager considers that the following matters have been instrumental in its decision—
 - (a) *Land use configuration*—all lots would generally be regular in shape and would not be intersected by a constructed road. They would be compatible with other development in the locality considering the area, proportion, orientation and road frontage.

¹ 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.