

Development application—decision under delegated authority

Building Work Assessable against the Planning Scheme—Utility Installation (Storage / workshop) at 115 Leichhardt Street, Mundubbera on land described as Lot 1 on M5825—Code assessable development application under the *Planning Act 2016*

Application reference: 96/18

1 Proposal summary

- (1) The applicant seeks a development permit for building work assessable against the planning scheme—utility installation (storage / workshop) at 115 Leichhardt Street, Mundubbera on land described as Lot 1 on M5825.
- (2) The lot is in the community facilities zone and contains, and as such the application requires code assessment.
- (3) The storage / workshop is for use in conjunction with the water treatment plant already on site. The shed will not increase the numbers of workers onsite or the number of visitations to the site.
- (4) 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.

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)

Date

4 Statement of reasons

This statement explains the reasons for the assessment manager's decision in relation to a development application for building work assessable against the planning scheme—Utility installation (storage / workshop) at 115 Leichhardt Street, Mundubbera on land described as Lot 1 on M5825. The statement is required under **section 63 Notice of decision** of the *Planning Act 2016*.

4.1 Facts and circumstances

- (1) The lot is in the Community Facilities zone, and is surrounded by lots in the General residential zone. Though none of these lots are adjoining.
- (2) The application was deemed properly made on 8 May 2018.
- (3) Council did not issue a confirmation notice as per s2.2 of the Development Assessment Rules—is not required.
- (4) The lot is adjoins a local significant road, Leichhardt Street. The proposed shed meets the setback requirements from this road.
- (5) The applicant stated they agree to accept an information request, but the application included sufficient information and it was not necessary to issue an information request.
- (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; and
 - (c) the SPP, to the extent that it is not appropriately integrated in the planning scheme.

4.2 Category of assessment

- (1) The proposal is identified as Code assessable against the relevant zone code outcomes for development siting setbacks. It does required assessment against the infrastructure and operational work and Infrastructure overlay codes.

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.

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 Community Facility zone code

- (1) The proposal complies with the relevant Community Facility zone 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; and

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.

- (c) it would not adversely affect the character, setting or appearance of the community facility zone.

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 External stakeholder comments

- (1) No external stakeholders were invited to comment on the application, and it would not require referral to the chief executive under Schedules 9 or 10 of the *Planning Regulation 2017*.

4.4.3 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) *Setbacks and boundary clearance item*—The Mundubbera Water Treatment Site already has two other sheds located with no setbacks from the side / street setbacks. All four sides of the allotment are adjoining road reserves which have wide road easements surrounding the site. This is an important community utility installation and the construction of the shed will enable the continued use and growth of this facility to service the township of Mundubbera.
 - (b) There is no other location on the site that would enable the shed to be located and utilised in the capacity that is needed due to other structures located within the facility.

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 approves the application and imposes conditions in accordance with the decision rules.

