

# Development application—decision under delegated authority

Development Permit for Material change of use - Rooming accommodation (9 units in 3 individual structures) at 1-5 Olympia Street, Mundubbera on land described as lot 21 on M5860—Code assessable development application under the *Planning Act 2016*.

Application reference: DA230044

## 1 Proposal summary

- (1) The applicant seeks a Development Permit for Material change of use for Rooming accommodation (9 units in 3 individual structures) at 1-5 Olympia, Mundubbera on land described as Lot 21 on M5860.
- (2) The proposed Rooming accommodation involves establishing three (3) donga style buildings on the western boundary of the site, to provide nine (9) additional accommodation rooms at the existing Tourist park, referred to as 'The Big Mandarin Caravan Park'. The buildings include bathrooms but no kitchen facilities.
- (3) The stated objective of the application is to obtain planning approval for the additional accommodation buildings. The proposed Rooming accommodation will operate in conjunction with the existing caravan park. The existing use mostly consists of caravan sites with shared permanent communal facilities such as kitchens, laundry, bathroom facilities and recreational facilities (pool, volley ball court, football area). These communal facilities are proposed to be shared with the guests utilising the Rooming accommodation.
- (4) Existing access from Olympia Street (the main access to the facility) would be utilised as the main access point to the proposed accommodation units. A new unsealed but all-weather gravel internal road linking to existing internal roads is proposed to access and service the additional buildings.
- (5) The subject site is partly mapped in the Flood hazard overlay, although the proposed Rooming accommodation has been positioned outside of the mapped hazard area.
- (6) 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.

for 

2 November 2023

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Kim Mahoney  
**General Manager – Corporate and Community**  
**(Delegate of North Burnett Regional Council)**

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*Date*

## 4 Statement of reasons

This statement explains the reasons for the assessment manager's decision in relation to a development application for Material change of Use at 1-5 Olympia Street, Mundubbera on land described as Lot 21 on M5860. The statement is required under **section 63 Notice of decision** of the *Planning Act 2016*.

### 4.1 Facts and circumstances

- (1) The application was deemed properly made on 9 August 2023.
- (2) Council issued the Confirmation notice on 23 August 2023.
- (3) The application triggers referral to the State in relation to—
  - (a) infrastructure—state-controlled roads
  - (b) Strathdee Street is a State-controlled road. Under Schedule 10 of the Planning Regulation 2017, the application requires referral as it is for a Material change of use of premises within 25m of a state transport corridor and within 100m of a state-controlled road intersection.
  - (c) the application included sufficient information and it was not necessary for the State to issue an information request.
  - (d) the State Assessment and Referral Agency provided their decision on 28 September 2023 that supported the development for approval with no further requirements.
- (4) The application included sufficient information and it was not necessary to issue an information request.
- (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 August 2020), 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 site is in the General residential zone and is largely surrounded by other residential lots and opposite the Mundubbera Showgrounds.
- (2) The proposal is identified as Code assessable against the—
  - (a) Higher density residential code;
  - (b) Infrastructure and operational work code.
- (3) The subject site is located within the Flood hazard overlay code however, the proposed Rooming accommodation is positioned outside of the mapped hazard area on site and therefore a detailed assessment against the Flood hazard overlay code is not warranted.
- (4) In accordance with s60(2) of the *Planning Act 2016*, to the extent the application involves development that requires code assessment, the Council—
  - (a) must decide to approve the application to the extent the development complies with all of the assessment benchmarks;
  - (b) may decide to approve the application even if the development does not comply with some of the assessment benchmarks; and

- (c) may, to the extent the development does not comply with some or all the assessment benchmarks, decide to refuse the application only if compliance cannot be achieved by imposing development conditions.

### 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, and it is not necessary to carry out a more detailed assessment for compliance.
- (2) A review of the applicant's planning report confirms that it is a reasonable assessment against the assessment benchmarks

#### 4.3.1 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 application.

#### 4.3.2 Higher Density Residential Code

- (1) the proposal complies with the Higher density residential code—
- (2) it achieves the purpose and overall outcomes of the code;
- (3) it complies with the performance outcomes of the code, specifically—
  - (a) it is appropriately located to meet the needs of the community and integrates well with existing caravan park established on site.
  - (b) access to the site is maintained via the existing access location at the intersecting corner of Olympia Street and Anne Street—both of which are sealed constructed road.
  - (c) The development is accessible to communal recreational facilities in the overall site and to verandah/deck areas to provide private and communal open space provision for enjoyment of space;
  - (d) the proposed buildings comply with specified setbacks, greater than 6m from the primary road frontage (Olympia Street), setback 3m from the side (western boundary) and 6m from the rear boundary.
  - (e) The development is to retain existing vegetation on site and where possible on the western boundary/new internal road.
- (4) The proposal does not comply with the POS outcome described in AO6.1, however—
  - (a) the proposed accommodation is complementary and compatible with the existing development on site and surrounding residential uses;
  - (b) has ready access to open space and recreational activities (pool, volleyball court, football area) within the site facilitating access to sunlight and open space.
  - (c) it, therefore, complies with the relevant performance outcome, PO6.

#### 4.3.3 Infrastructure and operational work code

- (1) the proposal complies with the Infrastructure and operational work code—
- (2) it achieves the purpose and overall outcomes of the code;
- (3) it complies with the performance outcomes of the code, specifically—
  - (a) the development would connect to all urban services available at site (reticulated sewer, water, electricity, telecommunications)
  - (b) existing landscaping on site is to be retained (including vegetation along the western boundary where possible) to retain reasonable shade provision, visual interest and acoustic privacy. Further, a solid screen fence will be conditioned to

provide a visual buffer between the Rooming accommodation and the adjoining residential development to the west to ensure appropriate visual privacy.

- (c) the development is consistent with the existing development on site and is consistent with the capacity of the infrastructure currently servicing the site.
- (d) an internal road is proposed to service the additional accommodation units to be constructed to appropriate standards generally consistent with the existing internal gravel roads on site—unsealed yet trafficable in all weather conditions.
- (e) sufficient carparking is proposed to service each individual accommodation building with a total of three (3) car parking spaces proposed—complying with the minimum parking requirements in the *Planning Scheme* for this use (ie. 1 space per 5 beds).

#### 4.3.4 Overlay codes

The site is partially mapped within the Flood hazard overlay (eastern two thirds of the site). However, the proposed Rooming accommodation has been positioned in the western periphery of the site that would be clear of the mapped flood hazard area. The applicant provided a survey certification as common material that describes surveyed flood heights to inform and confirm that the location of the proposed accommodation units would achieve floor levels above the defined flood level plus 300mm freeboard immunity. As such, no detailed assessment against the overlay code is warranted.

### 4.4 Consultation

#### 4.4.1 Internal stakeholder comments

- (1) Internal review by Civil Works, Water and Waste Water, was not required due to the minimal risks and assessment requirements for the existing use.

#### 4.4.2 External stakeholder comments

- (1) The application required referral to SARA under Schedule 10 of the *Planning Regulation 2017*.
- (2) The decision notice must include the SARA response.

#### 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 assessment benchmarks, even having regard to the proposal not complying with AO6.1 of the Higher residential density code;
  - (b) *Intensity and scale*—the existing use is consistent with expectations for Rooming accommodation in the General residential zone. The development is compatible with the development on site and surrounding residential development in the locality. The design considers site-specific constraints and has been situated clear of the applicable flood hazard area.
  - (c) *Infrastructure*—the site has existing access to constructed roads and provides adequate carparking to service the additional accommodation. An internal roadway with a gravel all-weather surface is proposed to service accommodation units. All urban services are available to site and would be suitably connected;
  - (d) *Hazards and natural features*—the proposed use would not be affected by natural hazards or natural features as proposed structures are located outside of the mapped flood hazard area.

- (e) *Landscaping*—existing landscaping is to be retained where possible. Existing trees and proposed solid screen fence on western boundary to provide buffer to adjoining residential development to the west.

## 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.