

Development application—decision under delegated authority

Development Permit for Material change of use - Bulk Landscape Supplies (stockpiling material) at Paradise Dam Road, Coringa—land described as Lot 2 SP339382—Code assessable development application under the *Planning Act 2016*

Application reference: DA240001

1 Proposal summary

- (1) The applicant seeks a Development Permit for Material Change of Use - Bulk Landscape Supplies (Stockpiling Material) at Paradise Dam Road, Coringa, on land described as Lot 2 SP339382.
- (2) The application originally included a component for operational work (filling and excavation), however the stockpiling of material is not filling or excavation and approval is not required—it is no longer part of the application.
- (3) The stated objective of the application is to temporarily store bulk material recovered from the upgrading of Paradise Dam Road associated with the Paradise Dam Improvement Project.
- (4) The project involves stockpiling material on the land, therefore constituting making a material change of use of the premises.
- (5) The site is used for residential activities (existing dwelling), cropping and pastoral purposes—and accommodates a dwelling and other agricultural buildings and structures.
- (6) As the application is code assessable, 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) The Council cannot 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 

5 March 2024

Mike Lisle

Date

**Planning and Environment Manager
(Delegate of North Burnett Regional Council)**

4 Statement of reasons

This statement explains the reasons for the assessment manager's decision concerning a development application for Material Change of Use - Bulk Landscape Supplies (Stockpiling Material) at Paradise Dam Road, Coringa; land described as Lot 2 SP339382. 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 31 January 2024
- (2) Council issued a Confirmation Notice on 1 February 2024
- (3) The application does not trigger any referrals.
- (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;
 - (c) the regional significance of the Paradise Dam Improvement Project and the associated upgrading of Paradise Dam Road;
 - (d) the temporary nature of the development and the rehabilitation of the site; and
 - (e) 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 Rural Zone (Intensive agriculture precinct) and is surrounded by other rural lots.
- (2) The report accompanying the application identified the development as code assessable against the Rural zone code, Filling and excavation code, Flood hazard overlay code, and the Infrastructure and operational work code.
- (3) With the removal of the filling and excavation component. the application is no longer assessable against the Filling and excavation code.
- (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

4.3.1 State planning instruments

- (1) *Regional plan*—the Wide Bay Burnett Regional Plan 2023—commenced on 15 December 2023, after the lodgement of the development application.

- (a) The *Planning Act 2016* s45(8) enables the assessment manager to give weight to a statutory instrument that commenced after the application was properly made.
 - (b) The WBBRP has little to say that is directly relevant to the proposal, however, identifies that Paradise Dam contributes to economic growth by being part of an important irrigation scheme.
- (2) *State planning policy*—no State interest statements, policies or benchmarks are relevant to this application.

4.3.2 Assessment against the planning scheme

- (1) The proposed development complies with the applicable assessment benchmarks—the Rural zone code, Flood hazard overlay code, and Infrastructure and operational work code.
- (2) A more comprehensive assessment of the performance outcome is in the attached tables; however, in summary, the proposal would comply with the relevant scheme outcomes.

4.3.3 Rural zone (intensive agriculture precinct) code

- (1) The proposal complies with the rural zone (intensive agriculture precinct) code—
 - (a) it achieves the purpose and overall outcomes of the code;
 - (b) it complies with the performance outcomes of the code, specifically—
 - (i) the use would not interfere with other development or the rural character of the locality
 - (ii) the site is suitably sized to mitigate nuisance and is consistent with expectations for development in the rural zone, including the nearby dwelling;
 - (iii) a safe, lawful and practical access to Paradise Dam Road is available.
 - (iv) no additional structures are proposed;
 - (v) all works are outside of the mapped MSES area.

4.3.4 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—
 - (i) additional landscaping is not considered relevant to the proposed use and site;
 - (ii) the development is setback or located so neighbouring premises retain reasonable visual and acoustic privacy;
 - (iii) the proposal will not require connection to stormwater and will not alter stormwater runoff;
 - (iv) the proposal does not require connection infrastructure networks.
 - (v) on-site infrastructure would be provided in accordance with the anticipated needs of users;
 - (vi) suitable vehicular access and movement areas are provided on site;
 - (vii) the Council’s Technical Services did not advise any required upgrades required to the local infrastructure network;
 - (viii) standard erosion and sediment controls will be implemented to avoid degradation and adverse impacts on stormwater quality.

4.3.5 Overlay codes

- (1) The proposal complies with the *Flood Hazard overlay code* as—
 - (a) it achieves the purpose and overall outcomes of the code;
 - (b) it complies with the performance outcomes of the code;
 - (c) the proposed development is not located within the flood hazard overlay area and does not pose any additional risk in the event of flooding.

- (2) No other overlay codes apply to the site or project.

4.4 Consultation

4.4.1 Internal stakeholder comments

Internal review by Civil Works, Water and Waste Water, and Disaster Management teams were either not required due to the minimal risks, or included basic requirements incorporated in the assessment and conditions.

4.4.2 External stakeholder comments

Not applicable—the application did not require referral.

4.4.3 Public consultation

The application is code assessable and 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 complies with the relevant assessment benchmarks;
 - (b) *Intensity and scale*—the existing use is consistent with expectations for rural workers accommodation development. The development is compatible with the rural character of the locality and considers all site constraints;
 - (c) *Infrastructure*—the site has access to a constructed road and is closely associated with the proposed upgrading of Paradise Dam;
 - (d) *Natural hazards*—the proposed use and works are outside the flood hazard and would not alter existing risks;
 - (e) *Temporary nature of the use and works*—the site would only be used for storage while Burnett Water are upgrading Paradise Dam Road and carrying out the Paradise Dam Improvement Project;
 - (f) *Infrastructure (non-trunk) works*—parking, access, and service connections—
 - (i) access to the site is via Paradise Dam Road, which would be undergoing significant road upgrading concurrently with the proposed development;
 - (ii) the development would require little or no connection to networked infrastructure—including electricity, water and wastewater disposal are available to support the proposed use;
 - (iii) suitable access and parking would be provided and therefore avoid degradation, adverse environmental impacts, and nuisance;
 - (g) Suitability for a rural locality—while stockpiling material may not be a use compatible with other rural production, the use would be mostly be associated with the significant upgrading of Paradise Dam Road.

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.