

Development application—decision under delegated authority

Operational Work - Earthworks, Crossover, Carparking at 9-11 Lyons St, Mundubbera on land described as Lot 4 SP226159

Application reference: 92/20

1 Proposal summary

- (1) The subject site, Lot 4 SP226159, is located at 9-11 Lyons St, Mundubbera. The property is within the Centre Zone, gains access from Bauer St, and is 866m² in area. The Infrastructure Overlay impacts the land. The site is currently contains existing commercial buildings.
- (2) The applicant wishes to redevelop the site into an agricultural supplies store, and has as MCU approval for an Agricultural Supplies Store (Council Ref 183/19). The proposed works includes earthworks for the building and carpark, upgraded crossover and drainage.
- (3) The Council must assess the application against the assessment benchmarks, having regard to assessment against the following Standards and the North Burnett Regional Planning Scheme 2014.

Benchmarks Applying to the Development	Benchmark Reference
Acceptable Design and Construction Standards	Standard Engineering References e.g. IPWEAQ Std Drawings
Infrastructure Overlay Code	PO1

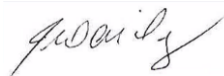
- (4) The attached Statement of Reasons sets out the rationale for deciding to approve the application.

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.



Jeff Miles
 Planning & Environment Manager

23/06/2020

Date

4 Statement of reasons

This statement explains the reasons for the assessment manager's decision in relation to a development application for Operational Work (Earthworks, Crossover, Carparking) and is located at 9-11 Lyons St, Mundubbera on Lot 4 SP226159. 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 Centre zone and surrounded by both General Residential and Centre zones.
- (2) The application was deemed properly made on 28 May 2020. Council did not issue a confirmation notice as it was not necessary under s2.2 of the Development Assessment Rules.
- (3) The applicant stated that they agree to accept an information request, but the application included sufficient information and it was not necessary to issue an information request.
- (4) 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) Acceptable Design and Construction Standards
 - (c) the North Burnett Regional Planning Scheme, to the extent relevant; and
 - (d) 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 Operational Work against the Infrastructure Overlay Code.

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.

4.3.1 State planning instruments

- (2) *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.
- (3) *State planning policy*—there are no State interest statements, policies or benchmarks relevant to this application¹. 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.

4.3.2 North Burnett Regional Planning Scheme

4.3.2.1 Infrastructure Overlay code

- (4) The proposal complies with the Infrastructure 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) Crossover location is existing and is still considered a suitable location.

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.

4.3.2.2. Design and Construction Standards

- (a) The proposed work conforms in general with the standards in respect of earthworks, crossover, car parking arrangement, and stormwater management.

4.4 Consultation

4.4.1 Internal stakeholder comments

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

4.4.2 External stakeholder comments

- (1) No external stakeholders

4.4.3 Other

- (1) The application did not require referral
- (2) The application did not require public notification and as such Council did not receive any submissions about the application.
- (3) **Currency Period** - Standard Currency Period in accordance with Section 85 of the *Planning Act 2016* applies.

4.5 Key issues for this application

- (1) The assessment manager considers that the following matters have been instrumental in its decision—
 - (a) The proposed development has been assessed against the requirements of the North Burnett Planning Scheme 2014. It is considered that the proposed development generally complies with the requirements of the Planning Scheme.
- (2) 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.
- (3) 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.
- (4) 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.