

Our Ref.: PECS/MB:jkMCU18/0012

18 September 2018

Notice about decision - Statement of reasons

(in accordance with section 63 (5) of the *Planning Act 2016*)

Proposal:	Material Change of Use – Utility (Local) (transmission and communications infrastructure)
Application Number:	MCU18/0012
Address:	Dawson Street, Middlemount Dysart-Middlemount Road, Middlemount Centenary Drive, Middlemount
Property Description:	Lot 1 on RP616541 Lot 54 on RP616541 Lot 3 on SP266635 Lot 1 on SP255297
Type of Approval:	Development Permit for Material Change of Use
Decision:	Approved in full with conditions
Date of Approval:	14 September 2018

1. Reasons for the decision

Reasons for this decision are:

- The development application was assessed using the code assessment process pursuant to the requirements of the *Planning Act 2016* and the *Broadsound Shire Plan 2005* (Planning Scheme) as a whole.
- The proposed use generally complies with the relevant provisions of the Broadsound Development Code.
- The proposal provides a good planning outcome for the subject site.
- The development design is considered sufficient to allow effective use of the land in accordance with the intent of the provisions of the Planning Scheme.

2. Assessment benchmarks

Benchmarks applying for the development	Benchmark reference
Desired Environmental Outcomes	Part 2 – <i>Broadsound Shire Plan 2005</i>
Assessment Category Making a Material change of Use	Part 3.1 – <i>Broadsound Shire Plan 2005</i>
Outdoor Sport and Recreation preferred use area Open Space preferred use area	Part 4.4 – <i>Broadsound Shire Plan 2005</i>
Specific Outcomes and probable solutions – infrastructure efficiency	Part 4.13 – <i>Broadsound Shire Plan 2005</i>
Natural Hazards, Risk and Resilience - Bushfire hazard area (Bushfire prone area)	Part E – <i>State Planning Policy July 2017</i>

3. Compliance with benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>Desired Environmental Outcome 2.1(c) and (d) of the <i>Broadsound Shire Plan 2005</i>.</p> <p>(c) <i>Broadsound has a diverse, prosperous local economy with farming and grazing and mining the most prominent activities in the rural area and industry and business primarily in towns and villages. Tourism, rural and mining based business and industries are established in locations throughout the Shire where there is a strong nexus to the resources on which they rely.</i></p> <p>(d) <i>The Shire's extensive natural economic resources, including good quality agricultural land, substantial coal reserves, forestry resources, fisheries and the declared fish habitat areas along much of Broadsound's coast are available and protected from incompatible development.</i></p> <p>(g) <i>Places and works are designed to use energy and natural resources efficiently and economically, including by on-site power generation from natural energy and re-using wastewater. Urban design facilitates walking and cycling rather than having always to use a car.</i></p>	<p>As the proposed development is code assessment, a detailed assessment of the desired environmental outcomes for the Broadsound Shire is not applicable.</p>

<p><i>High standards of public health and safety are maintained, avoiding or minimising adverse effects associated with the natural and built environments, including erosion, flood, storm tide inundation, fire and traffic hazards, together with safe domestic water supply and responsible waste disposal practice.</i></p>	
<p>Overall Outcomes for the Broadsound Development Code of the <i>Broadsound Shire Plan 2005</i> relate to ecological processes and natural systems, economic development and maintenance of community wellbeing.</p> <p>Specific outcomes and probable solutions relate to nature conservation; land maintenance; water quality; economic activity; resource availability; resource usage; affordability; community needs; infrastructure efficiency; public safety; and amenity, community harmony and the sense of community.</p>	<p>The planning scheme supports the establishment of the Utility (Local) (transmission and communications infrastructure). This use is considered an inconsistent use in the Outdoor Sport and Recreation preferred use area and Open Space preferred use area. However, the proposed use is linear infrastructure that does not involve any built form or impact on the ability for the site to function for its intended purpose under this land use category. As such, the proposed development is considered a suitable land use outcome within this preferred use areas.</p> <p>The proposed development involves minimal disturbance of land and has been located as to avoid areas of environmental value. Thus, minimising vegetation clearing and accounting for the risk posed by natural hazards.</p> <p>It is considered that the proposed development is not expected to impact on areas of significant ecological or natural value including resulting in any degradation of soil.</p> <p>The proposed development avoids water ways and wetlands and it does not require on-site services. As such, there will be minimal impacts or no impacts at all on water quality and water contamination. In addition, the application was referred to the relevant State Government agencies and also it will have no impact on public infrastructure and utilities. The proposed development has adequately addressed the relevant State Planning Policy.</p>

4. Relevant matters for impact assessable development

Not applicable.

5. Matters raised in submissions for impact assessable development

Not applicable.

6. Matters prescribed by Regulation

Not applicable.

If you find an inaccuracy in any of the information provided above or have a query or seek clarification about any of these details, please contact Council.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Manus Basson', written in a cursive style.

MANUS BASSON

Manager – Planning & Land Development

(on behalf of Gary Stevenson PSM, Chief Executive Officer)