

## NOTICE ABOUT DECISION - STATEMENT OF REASONS

*The following information is provided in accordance with Section 63(5) of the Planning Act 2016*

The development application for:

<b>Proposed Development:</b>	Material Change of Use to establish a Telecommunication Facility	
<b>Application No:</b>	030.2017.347.001	File Refs: A21133 & LG7.6.1
<b>Street Address:</b>	39949 Leichhardt Highway, Miles	
<b>Real Property Description:</b>	Lot 2 on SP144176 and Easement L on SP249501	

On 23 November 2017, the above development application was:

approved in full, with conditions.

### 1. Reasons for the Decision

The reasons for this decision are:

- The establishment of a Telecommunication Facility is a consistent use in the Rural Zone.
- The development of a Telecommunication Facility is an essential community service and will enhance coverage of the telecommunication network in the region.
- The development will not impact on the operational capacity of the Miles Airport.

### 2. Assessment Benchmarks

ASSESSMENT MATTERS	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"><li>• State Planning Policy<ul style="list-style-type: none"><li>▪ Water Quality Objectives</li></ul></li><li>• Western Downs Planning Scheme 2017<ul style="list-style-type: none"><li>▪ Rural Zone Code</li><li>▪ Telecommunications Facility Code</li><li>▪ Transport, Access and Parking Code</li><li>▪ Infrastructure Services Code</li><li>▪ Airport Environs Overlay Code</li><li>▪ Biodiversity Areas Overlay Code</li><li>▪ Bushfire Hazard Overlay Code</li><li>▪ Infrastructure Overlay Code</li><li>▪ Natural Resources Overlay Code</li><li>▪ Regional Infrastructure - Stock Routes Overlay Code</li></ul></li></ul>

<b>Reasons for Decision</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the Approval Despite Non-compliance with Benchmark</b>
	<b>Rural Zone Code</b>	
	<p><b>"AO1</b></p> <p><i>Development has a maximum building height of 10 metres above natural ground level and no more than two storeys.</i></p> <p><i>Editor's Note - excluding windmills, silos and other rural structures ancillary to agricultural operations on-site."</i></p>	The proposed development is a structure that will be 50m high. The development site has been selected to reduce visual impacts to nearby residents where possible, and no existing vegetation is required to be cleared to facilitate the development.
	<b>Telecommunications Facility Code</b>	
	<p><b>"AO1</b></p> <p><i>Telecommunications Facilities are constructed of non-reflective and visually recessive materials and colours."</i></p>	The proposed structure will be constructed of galvanised steel consistent with other structures in the locality. The proposed design is not considered to intrude upon or dominate the visual landscape.
	<p><b>"AO3</b></p> <p><i>Telecommunications Facilities are co-located with existing facilities where possible."</i></p>	Co-location was not possible for the development of this facility. The proposed development is appropriately separated from similar uses to ensure no visual clutter arises from construction of the use.
	<b>Infrastructure Services Code</b>	
	<p><b>"Where within the Rural Zone or Rural Residential Zone (Rural Residential 2000 Precinct)</b></p> <p><b>AO1.2</b></p> <p><i>Development is connected to a safe and efficient on-site water supply in accordance with <b>SC6.2 – Planning Scheme Policy 1 – Design and Construction Standards.</b>"</i></p>	The proposed development will be unmanned with maintenance activities occurring no more than 1 or 2 times per year. No on-site amenities will be provided and therefore no potable water will be provided on-site.
	<p><b>"Where within the Rural Zone or Rural Residential Zone where outside a sewerage service area -</b></p> <p><b>AO2.2</b></p> <p><i>Development is connected to a safe and efficient on-site waste water disposal system in accordance with the Queensland Plumbing and Wastewater Code and AS/NZ3500."</i></p>	The proposed development will be unmanned with maintenance activities occurring no more than 1 or 2 times per year. No on-site amenities will be provided and therefore no wastewater disposal system will be provided on-site.
	<b>Transport, Access and Parking Code</b>	
<p><b>"AO4</b></p> <p><i>Car parking is provided in accordance with the requirements identified in <b>Table 9.4.5.2 - Car Parking Generation Rates and Service Vehicle Requirements.</b></i></p> <p><i>Note - Car parking rates are to be rounded up to the nearest whole number."</i></p>	No parking rate is specified for a Telecommunication Facility in Table 9.4.5.2. No formal car parking spaces will be provided in the development area due to the facility being unmanned with the exception of 1-2 maintenance visits per year. The development area is a suitable size for parking and manoeuvring of vehicles associated with the development.	

<b>Airport Environs Overlay Code</b>	
<p><b>"AO2</b></p> <p><i>The maximum height of any building, structure or tree is below the height of the Obstacle Limitation Surface (OLS) height as indicated for the particular site."</i></p>	<p>The applicant submits that the proposed NBN tower will have a maximum height above ground level of 50m. This is 5m below the height of the OLS.</p> <p>Council's Senior Project Officer undertook an assessment of any potential impacts the proposed development may have on the operations of the Miles Airport. The assessment concluded that the development will not obstruct the OLS but that appropriate lighting should still be conditioned to be placed on the tower.</p>
<b>Natural Resources Overlay Code</b>	
<p><b>"Where for a Material Change of Use in the Rural Zone -</b></p> <p><b>AO6.1</b></p> <p><i>Development (inclusive of the development footprint) is not located on land identified as ALC Classes A and B Land on the <b>Agricultural Land Overlay maps (OM-008)</b> unless identified in <b>Table 8.2.7.2.</b>"</i></p>	<p>The proposed development footprint is 168m<sup>2</sup>, being less than 0.5% of the total site area, and is located in close proximity to the Fairymeadow Road frontage. The proposed use of the site for non-rural activities is not considered to result in the loss or fragmentation of agricultural land, as the balance area of the site remains available for agricultural activities.</p>

