

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.*

All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.

APPLICATION DETAILS

| | |
|---------------------------------|---|
| Application No: | DA/4474 |
| Applicant: | BMM Group |
| Proposal: | Development Permit for a Material Change of Use |
| Description of the Development: | Telecommunications Facility |
| Street Address: | 10 Walker Street, Cooktown 4895 |
| Real Property Description: | Lot 101 on C1793 |
| Planning Scheme: | Cook Shire Council Planning Scheme 2017 |
| Land Zoning: | Centre Zone |
| Assessment Type: | Impact |

DECISION DETAILS

| | |
|-------------------|---|
| Type of Decision: | Approval with Conditions |
| Type of Approval: | Development Permit for a Material Change of Use for Telecommunications Facility |
| Date of Decision: | 23 August 2022 |

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

| Assessment Benchmarks | Comment |
|--|--|
| Planning Regulation 2017 (Schedule 9) | Schedule 9 is not applicable as the application is not for building work under the Building Act |
| Planning Regulation 2017 (Schedule 10) | The application did not trigger a referral to SARA under Schedule 10, Part 8, Division 2, Subdivision 1, Table 15, Item 1 – assessable development, development on or adjoining a Queensland Heritage Place, as the development did not result in works occurring on a Queensland Heritage place (stone kerb and channel). |
| Regional Plan | Section 2.2 of the Planning Scheme identifies that the Cape York Regional Plan has been adequately reflected in the Planning Scheme. A separate assessment against the Regional Plan is not required. |
| State Planning Policy, part E | Section 2.1 of the Planning Scheme identifies that the superseded version of the <i>State Planning Policy</i> is integrated in the Planning Scheme. A review of the current version of the SPP (July 2017) and assessment benchmark mapping applicable to Part E has determined that the state interests are reflected in the Planning Scheme and no additional assessment provisions in the current SPP (part E) or updated mapping are applicable requiring further assessment against the SPP. |
| Temporary State Planning Policy | There are no Temporary State Planning Policies |

Local Categorising Instrument (Cook Shire Council Planning Scheme 2017):

- Strategic Framework;
- Centre Zone Code;
- Character Overlay;
- Parking and Access Code;
- Works, Services, and Infrastructure Code.

Local Categorising Instrument (Variation Approval)

Not Applicable

Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

PUBLIC NOTIFICATION

A review of Council's records has determined twenty-three (23) submissions were received.

- Twelve (12) – properly made submissions; and
- Eleven (11) – not properly made submissions.

Two (2) submissions (1 properly made and 1 not properly made) were in support of the application. Twenty-one (21) submissions were against.

REASONS FOR THE DECISION

The application is **approved** on the following grounds:

- a. An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
- b. The proposed development for Material change of Use for a Telecommunication Facility is an appropriate use to be located on the site.
- c. The facility has been designed and sited to improve the level of telecommunication service in the catchment while minimising impacts on the heritage values, streetscape and overall visual amenity.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not Applicable

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

Not Applicable

OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017

Not Applicable

OTHER DETAILS

If you wish to obtain more information about Council's decision, including a copy of Council's Decision Notice and any conditions or plans relating to the development, please refer to Council's webpage.